

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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May 1, 1998

Kenneth A. Hansen, Director

Nancy L. Lancaster, Editor

The UTAH STATE BULLETIN is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the Bulletin under authority of Section 63-46a-10, UTAH CODE ANNOTATED 1953.

Inquiries concerning administrative rules or other contents of the BULLETIN may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules-related information, and on-line versions of these publications, visit the division's web site at: <http://www.rules.state.ut.us/>

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TABLE OF CONTENTS

1. SPECIAL NOTICE

Department of Administrative Services, Archives and Records Service: Public Notice	1
--	---

2. NOTICES OF PROPOSED RULES

Administrative Services

Administrative Rules

No. 20976 (Amendment): R15-4. Administrative Rulemaking Procedures	3
--	---

Commerce

Occupational and Professional Licensing

No. 20973 (Amendment): R156-1. General Rules of the Division of Occupational and Professional Licensing	4
---	---

No. 20987 (Amendment): R156-56. Utah Uniform Building Standard Act Rules	6
--	---

No. 20988 (Amendment): R156-56-706. Amendments to the IPC	22
---	----

No. 20989 (Amendment): R156-56-706. Amendments to the IPC	23
---	----

No. 20990 (Amendment): R156-56-706. Amendments to the IPC	24
---	----

No. 20991 (Amendment): R156-56-706. Amendments to the IPC	25
---	----

No. 20992 (Amendment): R156-60a. Social Worker Licensing Act Rules	26
--	----

No. 20974 (Amendment): R156-67-302d. Qualifications for Licensure - Examination Requirements	29
--	----

No. 20975 (Amendment): R156-68-302b. Qualifications for Licensure - Examination Requirements	30
--	----

Environmental Quality

Drinking Water

No. 20977 (Amendment): R309-113. Drinking Water Source Protection	31
---	----

Public Safety

Peace Officer Standards and Training

No. 20995 (Amendment): R728-409. Refusal, Suspension, or Revocation of Peace Officer Certification	41
--	----

No. 20996 (New): R728-505. Service Dog Program Rules	47
--	----

Public Service Commission

Administration

No. 20997 (New): R746-365. Intercarrier Service Quality	50
---	----

3. NOTICES OF CHANGES IN PROPOSED RULES

Environmental Quality

Drinking Water

No. 20693: R309-114. Drinking Water Source Protection Funding 60

Health

Health Systems Improvement, Community Health Nursing

No. 20794: R425-1. Nurse Education Financial Assistance 61

Public Service Commission

Administration

No. 20599: R746-360. Universal Public Telecommunications Service Support Fund 62

4. FIVE-YEAR REVIEW NOTICES OF CONTINUATION

Environmental Quality

Solid and Hazardous Waste

No. 20965: R315-301. Solid Waste Authority, Definitions, and General Requirements 65

No. 20966: R315-302. Solid Waste Facility Location Standards, General Facility Requirements,
and Closure Requirements 66

No. 20967: R315-303. Landfilling Standards 67

No. 20968: R315-305. Class IV Landfill Requirements 68

No. 20969: R315-306. Energy Recovery and Incinerator Standards 69

Human Services

Recovery Services

No. 20978: R527-56. In-Kind Support 69

Public Service Commission

Administration

No. 20964: R746-332. Depreciation Rates for Water Utilities 70

No. 20970: R746-342. Rule on One-Way Paging 71

No. 20971: R746-402. Rules Governing Reports of Accidents by Electric, Gas, Telephone, and
Water Utilities 71

No. 20972: R746-405. Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water
and Heat Utilities 72

Regents (Board of)

Administration

No. 20980: R765-134. Informal Adjudicative Procedures Under the Utah Administrative Procedures
Act 72

TABLE OF CONTENTS

No. 20981: R765-555. Policy on Colleges and Universities Providing Facilities, Goods and Services
in Competition with Private Enterprises 73

No. 20982: R765-993. Records Access and Management 73

5. NOTICES OF EXPIRED RULES 74

6. NOTICES OF RULE EFFECTIVE DATES 75

7. RULES INDEX 76

SPECIAL NOTICE

DEPARTMENT OF ADMINISTRATIVE SERVICES ARCHIVES AND RECORDS SERVICE

PUBLIC NOTICE April 17, 1998

The Utah State Archives, Records Analysis Section hereby invites public comment in the records scheduling process. The State Records Committee (consisting of the State Auditor's designee, the Division of State History director, a records manager from the private sector, the Governor or his designee, a citizen member, an elected official representing political subdivisions, and an individual representing the news media) is statutorily mandated to "review and approve retention and disposal of records." Certain records from state and local government agencies are expected to be presented to the State Records Committee for retention and disposition approval. These retention schedules may be viewed on location in our Research Room or via our web page (<http://www.archives.state.ut.us/recmanag/retsched.htm>).

Comments from citizens are invited between May 11, 1998, and June 9, 1998. Contact the Utah State Archives at (801) 538-3012 for more information.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between April 1, 1998, 5:01 p.m., and April 15, 1998, 5:00 p.m., are included in this, the May 1, 1998, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least June 1, 1998. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through August 29, 1998, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by UTAH CODE Section 63-46a-4 (1996); and UTAH ADMINISTRATIVE CODE Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Administrative
Rules
R15-4
Administrative Rulemaking Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20976

FILED: 04/08/98, 09:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: During 1997, the Legislature's Administrative Rules Review Committee (ARRC) expressed concern about agency responses to fiscal impact questions on the rule analysis. The ARRC identified filings published in the *Utah State Bulletin* or *Utah State Digest* in which the agency had indicated that the anticipated cost or savings impacts and compliance costs for affected persons was "none" or "unknown." The ARRC reviewed several of these filings and determined that, in fact, there were costs associated with the proposed changes. The ARRC discussed several approaches to deal with this problem. At the ARRC's January 12, 1998, meeting, the director of the Governor's Office of Planning and Budget presented an alternative approach that included these rule amendments. Additionally, several agencies have indicated that the distinction between "anticipated cost or savings impact to other persons" and "compliance cost for affected persons" is not clear. Therefore, the changes to Sections R15-4-2 and R15-4-10 are intended to clarify agency filing requirements associated with reporting "anticipated cost or savings" and "compliance cost for affected persons." This information is required when an agency files a Proposed Rule, Change in Proposed Rule, 120-Day (Emergency) Rule, or Expedited Rule.

SUMMARY: When an agency files a Proposed Rule, Change in Proposed Rule, 120-Day (Emergency) Rule, or an Expedited Rule, this proposed rule requires agencies to: (1) report cost or savings due to changes to the rule, not the existing rule; (2) report costs in dollars with a few exceptions; (3) clearly designate estimated figures as cost or savings; (4) report cost or savings estimates for state budgets, local governments, or other persons in the aggregate, and compliance cost estimates as nonaggregate figures; and (5) provide additional information if cost or savings is estimated as "unknown," "none," "no impact," or the equivalent. The rule also clarifies that the Division may, after contacting an agency, reject a rule or change that fails to meet information filing requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 63-46a-4, 63-46a-6, 63-46a-7, and 63-46a-10

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: (1) Costs to the state budget are expected, but unknown. Between 06/15/97 and 02/01/98 (Bulletin issues 07/01/97 - 02/15/98), agencies submitted 1,522 rule filings. Of these, 584 or 38% would have been subject to the requirements of this filing.

(2) Preparation impact on agencies: Agencies will be required to spend additional time to prepare each rule analysis for Proposed Rules, Changes in Proposed Rules, 120-Day (Emergency) Rules, and Expedited Rules. The amount of time required will vary depending on the complexity of the amendments being considered, and the salary of the individual or individuals assigned the responsibility of completing the rule analysis.

(3) Publication impact on the Division of Administrative Rules: The Division expects this filing to expand the volume of information reported on the rule analysis. However, the Division has no way to estimate by how much the volume will expand. The Division estimates that some of the increased publication costs associated with this change can be covered by the Division's existing appropriation. It is possible that the Division may be required to omit the text of longer rules in order to publish the rule analysis, which is the minimum notice required by Subsection 63-46a-4(2).

❖LOCAL GOVERNMENTS: None. The Utah Administrative Rulemaking Act (Title 63, Chapter 46a) and the rules promulgated by the Division pursuant to the act do not apply to local governments.

❖OTHER PERSONS: No impact. This change requires agencies to provide more complete information to persons about the anticipated cost or savings, and compliance costs for a given rule. It does not impose burdens on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact. This change requires agencies to provide more complete information to persons about the anticipated cost or savings, and compliance costs for a given rule. It does not impose burdens on persons.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
PO Box 141007
Salt Lake City, UT 84114-1007

DIRECT QUESTIONS REGARDING THIS FILING TO:

Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or by Internet E-mail at asitmain.khansen@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 07/01/98

AUTHORIZED BY: Kenneth A. Hansen, Director

R15. Administrative Services, Administrative Rules.

R15-4. Administrative Rulemaking Procedures.

R15-4-2. Definitions.

(1) Terms used in this rule are defined in Section 63-46a-2.

(2) ~~In addition~~ Other terms are defined as follows:

(a) "[~~a~~] Anniversary date" means the date that is five years from the original effective date of the rule, or the date that is five years from the date the agency filed[;] with the division[;] the most recent five-year review required under Subsection 63-46a-9(3), whichever is sooner.

(b) "[~~d~~] Digest" means the Utah State Digest [~~which~~] that summarizes the content of the bulletin as required by Subsection 63-46a-10(1)(f);

(c) "[~~c~~] Codify" means the process of collecting and arranging administrative rules systematically in the Utah Administrative Code, and includes the process of verifying that each amendment was marked as required under Subsection 63-46a-4(2)(b);

(d) "Compliance cost" means expenditures a regulated person will incur if a rule or change is made effective;

(e) "Cost" means the aggregated expenses persons as a class affected by a rule will incur if a rule or change is made effective;

(f) "Savings" means:

(i) an aggregated monetary amount that will no longer be incurred by persons as a class if a rule or change is made effective;

(ii) an aggregated monetary amount that will be refunded or rebated if a rule or change is made effective;

(iii) an aggregated monetary amount of anticipated revenues to be generated for state budgets, local governments, or both if a rule or change is made effective; or

(iv) any combination of these aggregated monetary amounts.

[~~t~~](g) "[~~t~~] Unmarked change" means a change made to rule text that was not marked as required by Subsection 63-46a-4(2)(b).

R15-4-10. Estimates of Anticipated Cost or Savings, and Compliance Cost.

(1) Pursuant to Subsections 63-46a-4(3), 63-46a-6(1), 63-46a-7(2), and 53C-1-201(3), when an agency files a proposed rule, change in proposed rule, 120-day (emergency) rule, or expedited rule and provides anticipated cost or savings, and compliance cost information in the rule analysis, the agency shall:

(a) estimate the incremental cost or savings and incremental compliance cost associated with the changes proposed by the rule or change;

(b) estimate the incremental cost or savings and incremental compliance cost in dollars, except as otherwise provided in Subsections R15-4-10(4) and (5);

(c) indicate that the amount is either a cost or a savings; and

(d) estimate the incremental cost or savings expected to accrue to "state budgets," "local governments," or "other persons" as aggregated cost or savings;

(2) In addition, an agency may:

(a) provide a narrative description of anticipated cost or savings, and compliance cost;

(b) compare anticipated cost or savings, and compliance cost figures, for the rule or change to:

(i) current budgeted costs associated with the existing rule,
(ii) figures reported on a fiscal note attached to a related legislative bill, or

(iii) both (i) and (ii).

(3) If an agency chooses to provide comparison figures, it shall clearly distinguish comparison figures from the anticipated cost or savings, and compliance cost figures.

(4) If dollar estimates are unknown or not available, or the obtaining thereof would impose a substantial unbudgeted hardship on the agency, the agency may substitute a reasoned narrative description of cost-related actions required by the rule or change, and explain the reason or reasons for the substitution.

(5) If no cost, savings, or compliance cost is associated with the rule or change, an agency may enter "none," "no impact," or similar words in the rule analysis followed by a written explanation of how the agency estimated that there would be no impact, or how the proposed rule, or changes made to an existing rule does not apply to "state budgets," "local government," "other persons," or any combination of these.

(6) If an agency does not provide an estimate of cost, savings, compliance cost, or a reasoned narrative description of cost information; or a written explanation as part of the rule analysis in compliance with this section, the Division may, after making an attempt to obtain the required information, refuse to register and publish the rule or change. If the Division refuses to register and publish a rule or change, it shall:

(a) return the rule or change to the agency with a notice indicating that the Division has refused to register and publish the rule or change;

(b) identify the reason or reasons why the Division refused to register and publish the rule or change; and

(c) indicate the filing deadlines for the next issue of the Bulletin.

KEY: administrative law

~~June 1, 1996~~ July 1, 1998

Notice of Continuation October 11, 1997

63-46a-10



Commerce, Occupational and Professional Licensing

R156-1

General Rules of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20973

FILED: 04/07/98, 17:29

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Due to several statute changes in 1997 and 1998, changes needed to be made to the General Rules of the Division of Occupational and Professional Licensing.

SUMMARY: In Section R156-1-305, deleted endowment care cemetery as the Division no longer regulates this profession and added licensed substance abuse counselor which the Division began to regulate in 1996. In the renewal date table, changed "Athletic Commission licensee" to "Boxing licensee"; deleted certified structural engineer as this classification no longer exists, it is now a professional structural engineer; deleted endowment care cemetery; deleted recreational vehicle dealer and manufactured housing salesman as the Division no longer regulates these two professions; and deleted pharmacy intern as an intern license is not eligible for renewal. Made changes in the diversion-eligible offenses section to provide that the unprofessional conduct which may be subject to diversion is set forth in Subsections 58-1-501(2)(e) and (f). Subsection 58-1-501(2)(e) deals with the use of intoxicants, drugs, narcotics or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession. Subsection 58-1-501(2)(f) deals with practicing or attempting to practice an occupation or profession regulated under this title despite being physically or mentally unfit to do so.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: None - The Division has determined that there are no costs or savings associated with these changes. Any savings or costs realized were associated with statute changes. The changes being made to this rule are as a result of those statute changes.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-1. General Rules of the Division of Occupational and Professional Licensing.
R156-1-305. Inactive Licensure.**

(1) In accordance with Section 58-1-305, except as provided in Subsection (2), a licensee who holds an active in good standing license under Title 58 may apply for inactive licensure status.

(2) The following licenses issued under Title 58 may not be placed on inactive licensure status:

- (a) Agency performing animal euthanasia;
- (b) Analytical laboratory;
- (c) Branch pharmacy;
- (d) Certified professional accountant firm;
- (e) Controlled substance;
- (f) Controlled substance precursor distributors and purchasers;
- (g) Cosmetologist/barber school;
- (h) Employee leasing company;
- ~~(i) Endowment care cemetery;~~
- (j) Funeral service establishment;
- (k) Hospital, institutional, nuclear, out-of-state mail service and retail pharmacy;

(k) Licensed substance abuse counselor:
(1) Pharmaceutical manufacturer, researcher, teaching organization, wholesaler or distributor;
(m) Preneed funeral arrangement provider; and
(n) Veterinary pharmaceutical outlet.

(3) Applicants for inactive licensure shall apply to the division in writing upon forms available from the division. Each completed application shall contain documentation of requirements for inactive licensure, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(4) If all requirements are met for inactive licensure, the division shall place the license on inactive status.

(5) A license may remain on inactive status indefinitely except as otherwise provided in Title 58 or rules which implement Title 58.

(6) An inactive license may be activated by requesting activation in writing upon forms available from the division. Unless otherwise provided in Title 58 or rules which implement Title 58, each reactivation application shall contain documentation that the applicant meets current renewal requirements, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

R156-1-308a. Renewal Dates.

The following renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE
RENEWAL DATES

(1) Acupuncturist	May 31	even years
(2) Advanced Practice Registered Nurse	January 31	even years
(3) Animal Euthanasia Agency	May 31	odd years
(4) Alternate Dispute Resolution Provdr	September 30	even years
(5) Analytical Laboratory	May 31	odd years
(6) Architect	May 31	even years

[(7)] Athletic Commission Licensee	December 31	every year
[(8)] 2 Audiologist	May 31	odd years
(8) Boxing Licensee	December 31	every year
(9) Branch Pharmacy	May 31	odd years
(10) Building Inspector	July 31	odd years
(11) Burglar Alarm Security	July 31	even years
(12) C.P.A. Firm	September 30	even years
(13) Certified Shorthand Reporter	May 31	even years
(14) Certified Dietitian	September 30	even years
(15) Certified Nurse Midwife	January 31	even years
(16) Certified Public Accountant	September 30	even years
(17) Certified Registered Nurse Anesthetist	January 31	even years
(18) Certified Social Worker	September 30	even years
[(19)] Certified Structural Engineer	May 31	even years
[(20)] 19 Chiropractic Physician	May 31	even years
[(21)] 20 Clinical Social Worker	September 30	even years
[(22)] 21 Construction Trades Instructor	July 31	odd years
[(23)] 22 Contractor	July 31	odd years
[(24)] 23 Controlled Substance Precursor Distributor	May 31	odd years
[(25)] 24 Controlled Substance Precursor Purchaser	May 31	odd years
[(26)] 25 Cosmetologist/Barber	September 30	odd years
[(27)] 26 Cosmetology/Barber School	September 30	odd years
[(28)] 27 Deception Detection	July 31	even years
[(29)] 28 Dental Hygienist	May 31	even years
[(30)] 29 Dentist	May 31	even years
[(31)] 30 Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	July 31	even years
[(32)] 31 Electrologist	September 30	odd years
[(33)] 32 Employee Leasing Company	January 31	every year
[(34)] Endowment Care Cemetery	May 31	even years
[(35)] 33 Environmental Health Scientist	May 31	odd years
[(36)] 34 Funeral Service Director	May 31	even years
[(37)] 35 Funeral Service Establishment	May 31	even years
[(38)] 36 Health Care Assistant	November 30	even years
[(39)] 37 Health Facility Administrator	May 31	odd years
[(40)] 38 Hearing Instrument Specialist	September 30	even years
[(41)] 39 Hospital Pharmacy	May 31	odd years
[(42)] 40 Institutional Pharmacy	May 31	odd years
[(43)] 41 Landscape Architect	May 31	even years
[(44)] 42 Licensed Practical Nurse	January 31	even years
[(45)] 43 Licensed Substance Abuse Counselor	May 31	odd years
[(46)] 44 Manufactured Housing [and Recreational Vehicle] Dealer	September 30	every year
[(47)] Manufactured Housing Salesman	September 30	every year
[(48)] 45 Marriage and Family Therapist	September 30	even years
[(49)] 46 Massage Apprentice, Technician	May 31	odd years
[(50)] 47 Naturopath/Naturopathic Physician	May 31	even years
[(51)] 48 Nuclear Pharmacy	May 31	odd years
[(52)] 49 Occupational Therapist	May 31	odd years
[(53)] 50 Occupational Therapy Assistant	May 31	odd years
[(54)] 51 Optometrist	September 30	even years
[(55)] 52 Osteopathic Physician and Surgeon	May 31	even years
[(56)] 53 Out of State Mail Order Pharmacy	May 31	odd years
[(57)] 54 Pharmaceutical Administration Facility	May 31	odd years
[(58)] 55 Pharmaceutical Dog Trainer	May 31	odd years
[(59)] 56 Pharmaceutical Manufacturer	May 31	odd years
[(60)] 57 Pharmaceutical Researcher	May 31	odd years
[(61)] 58 Pharmaceutical Teaching	May 31	odd years

	Organization		
[(62)] 59	Pharmaceutical Wholesaler/Distributor	May 31	odd years
[(63)] 60	Pharmacist	May 31	odd years
[(64)] 61	Pharmacy Intern	May 31	odd years
[(65)] 62	Pharmacy Technician	May 31	odd years
[(66)] 63	Physical Therapist	May 31	odd years
[(67)] 64	Physician Assistant	May 31	even years
[(68)] 65	Physician and Surgeon	January 31	even years
[(69)] 66	Plumber Apprentice, Journeyman, Residential Apprentice, Residential Journeyman	July 31	even years
[(70)] 67	Podiatric Physician	September 30	even years
[(71)] 68	Pre Need Funeral Arrangement Provider	May 31	even years
[(72)] 69	Pre Need Funeral Arrangement Sales Agent	May 31	even years
[(73)] 70	Private Probation Provider	May 31	odd years
[(74)] 71	Professional Counselor	September 30	even years
[(75)] 72	Professional Engineer	May 31	even years
[(76)] 73	Professional Land Surveyor	May 31	even years
[(77)] 74	Professional Structural Engineer	May 31	even years
[(78)] 75	Psychologist	September 30	even years
[(79)] 76	Radiology Practical Technician	May 31	odd years
[(80)] 77	Radiology Technologist	May 31	odd years
[(81)] 78	Recreational Therapy Technician, Specialist, Master Specialist	May 31	odd years
[(82)] 79	Recreational Vehicle Dealer	September 30	even years
[(83)] 80	Registered Nurse	January 31	odd years
[(84)] 81	Respiratory Care Practitioner	September 30	even years
[(85)] 82	Retail Pharmacy	May 31	odd years
[(86)] 83	Security Personnel	July 31	even years
[(87)] 84	Social Service Worker	September 30	even years
[(88)] 85	Speech-Language Pathologist	May 31	odd years
[(89)] 86	Veterinarian	September 30	even years
[(90)] 87	Veterinary Pharmaceutical Outlet	May 31	odd years

R156-1-404c. Diversion - Eligible Offenses.

In accordance with Subsection 58-1-404(4), the ~~[offense of abuse or unlawful use of alcohol, drugs, controlled substances, or any chemical, is defined as the sole offense which may be the subject of a diversion agreement, provided the licensee meets the other requirements described in Subsection 58-1-404(4)]~~unprofessional conduct which may be subject to diversion is set forth in Subsections 58-1-501(2)(e) and (f).

KEY: diversion programs, licensing, occupational licensing
[June 15, 1996]1998 **58-1-106(1)**
Notice of Continuation June 2, 1997

◆ ————— ◆

Commerce, Occupational and Professional Licensing
R156-56
Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20987

FILED: 04/14/98, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Following a public hearing before the Uniform Building Code Commission and comments received, the Division is filing an entirely new rule filing regarding amendments to the Uniform Building Code, the International Plumbing Code, and the Uniform Plumbing Code that have been approved by the Uniform Building Code Commission. Some of the more controversial amendments that were being made in the Division's previous ruling filing (DAR No. 20893, published on April 1, 1998) are now being filed separately. The Division intends to let the April 1, 1998 filing (DAR No. 20893) lapse.

SUMMARY: Various corrections are being made to Section R156-56-704: Amendments are being made to the Uniform Building Code (UBC) involving changing section numbers, deleting amendments made to Chapter 1, Section 107.1, adding amendments to Chapter 3, Section 305.2.3 and Section 305.2.3.3, deleting amendments made to Chapter 19, Section 1914.3.1, and rewording existing amendments. Park City Corporation adopted additional chapters of the UBC. Numerous statewide amendments are being added with respect to the International Plumbing Code (IPC). One amendment to Chapter 9, Subsection 909(g) of the Uniform Plumbing Code (UPC) regarding shower valves has been added.

(DAR Note: Four additional amendments are being made to Section R156-56-706 under DAR No. 20988, DAR No. 20989, DAR No. 20990, and DAR No. 20991, all of which are in this *Bulletin*. The Division of Occupational and Professional Licensing plans to combine these amendments once they become effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: See comments under "Other Persons."
- ❖LOCAL GOVERNMENTS: See comments under "Other Persons."
- ❖OTHER PERSONS: The International Plumbing Code (IPC) was adopted effective January 3, 1998. Studies indicate that substantial savings can be made by plumbing a building to the International Plumbing Code over the Uniform Plumbing Code which has been the adopted code prior to January. 90% of the attached amendments to the IPC are a carry over of health concerns expressed by the Department of Health and the Department of Environmental Quality. They were requirements of the previous Uniform Plumbing Code and its amendments. By amending them into the IPC, there will be no cost differential as they were requirements in the Uniform

Plumbing Code and its amendments that were in effect prior to January 1998. 10% of the attached amendments may result in an aggregate estimated cost savings from \$50 to \$2,000 in construction costs of homes or buildings being built, depending on the magnitude of the building. It is not possible to estimate precise cost per unit as this code allows multiple variables in methods of construction. The amendments to the Uniform Building Code (UBC) have no cost differential as they are mainly renumbering previous amendments that had been in effect regarding the 1994 edition of the UBC and are now being renumbered to fit the 1997 edition of the UBC which became effective January 3, 1998.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The International Plumbing Code (IPC) was adopted effective January 3, 1998. Studies indicate that substantial savings can be made by plumbing a building to the International Plumbing Code over the Uniform Plumbing Code which has been the adopted code prior to January. 90% of the attached amendments to the IPC are a carry over of health concerns expressed by the Department of Health and the Department of Environmental Quality. They were requirements of the previous Uniform Plumbing Code and its amendments. By amending them into the IPC, there will be no cost differential as they were requirements in the Uniform Plumbing Code and its amendments that were in effect prior to January 1998. 10% of the attached amendments may result in an aggregate estimated cost savings from \$50 to \$2,000 in construction costs of homes or buildings being built, depending on the magnitude of the building. It is not possible to estimate precise cost per unit as this code allows multiple variables in methods of construction. The amendments to the Uniform Building Code (UBC) have no cost differential as they are mainly renumbering previous amendments that had been in effect regarding the 1994 edition of the UBC and are now being renumbered to fit the 1997 edition of the UBC which became effective January 3, 1998.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/98, 9:00 a.m., North Conference Room, First Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-704. Amendments to the UBC.**

(1) Statewide Amendments

Chapter 1, Section 101.3 is amended by adding the following paragraph:

"The appendix chapters of this code are approved for adoption in each political subdivision of the State provided that each said political subdivision shall furnish to the Division a list of adopted chapters of the appendix to be kept on file. Where this code is not adopted by any political subdivision, the use of the appendix chapters shall be as determined by the Division with the concurrence of the Commission".

Chapter 1, Section 104.1 is amended as follows:

"There is hereby established in each political subdivision of the state a code enforcement agency which shall be under the administrative and operational control of the building official. The building official shall be appointed by the local regulator. If the local regulator fails to appoint a building official, the Director of the Division of Occupational and Professional Licensing with the Commission shall appoint one".

~~Chapter 1, Section 107.1 is amended as follows:~~

~~"Fees assessed in accordance with the provisions of this section shall be as set forth in the fee schedule adopted by each political subdivision".~~

Chapter 1, Section 109.1 is amended by replacing the exception with the following:

EXCEPTION: Group R, Division 3 and Group U Occupancies; provided local jurisdictions may require a certificate of occupancy for Group R, Division 3 occupancies.

Chapter 3, Section ~~[305.1, Division 3]~~305.2.3 is amended as follows:~~[by adding the following exception:~~

~~EXCEPTION: Areas used for group day care purposes of not less than seven persons and not more than 12 persons may be located in a dwelling unit, provided the building substantially complies with the requirements for a Group R, Division 3 occupancy. The increased requirements in Chapter 10 for occupant loads of 10 or more shall not apply. In addition, dwellings used for day care will be provided with all of the following:]~~

The following section is added after the title of Section 305.2.3 Special Provisions:

305.2.3.1 Kindergarten, first- or second-grade pupils.

Delete in its entirety the last paragraph of Section 305.2.3 which reads "Stages and platforms shall be construed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708".

Chapter 3, Section 305.2.3.2 is added as follows:

305.2.3.2 Day Care for 7 to 12 persons. Areas used for day care purposes of not less than seven persons and not more than 12 persons may be located in a dwelling unit, provided the building substantially complies with the requirements for a Group R, Division 3 occupancy. The increased requirements in Chapter 10 for occupant loads of 10 or more shall not apply. In addition, dwellings used for day care shall be provided with the following:

1. Areas used for group day care shall have two separate means of egress arranged so that if one is blocked, the other will be available.

a. Exit doors, other than the main exit, may be 32 inches wide.

b. When area is located in the basement or on the second floor, one of the exits must discharge directly to the outside.

c. Any interior stairway used as an exit from a basement shall be enclosed by a smoke and draft barrier which includes a self-closing, 20 minute fire-rated door assembly.

2. Group day care uses located in dwelling units shall not be located above the second floor.

3. Rooms used for sleeping shall have at least one window or door approved for emergency escape per Section 310.4.

4. Closet door latches shall be such that children can open the door from the inside of the closet.

5. Bathroom door locks shall be readily openable by staff from the outside.

6. Smoke detectors shall be installed in accordance with Section 310.9.1, including existing dwelling units.

Chapter 3, Section 305.2.3.3 is added as follows:

305.2.3.3 Other. Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

Chapter 10, Section ~~[1005.8+]~~1004.3.4.3.2.1, Doors is amended by ~~[adding Exception 3]~~renumbering the existing exception as No. 1 and adding Exception 2, as follows:

~~[3:]~~2. In Group E-1 and E-2 occupancies that are fully protected by an approved fire sprinkler system, the door closers may be of the friction hold open type on classrooms only. In non-sprinkled E-1 and E-2 occupancies, classroom doors shall be held open only by a magnetic hold open device.

Chapter 10, Section ~~[1006.9]~~1003.3.3.6 is amended by adding an [E]exception to the third paragraph~~[3]~~ as follows:

Exception:~~[3:]~~ Handrails serving an individual unit in a Group R, Division 1 or Division 3 Occupancy may have either a circular cross section with a diameter of 1 1/4 inches (32 mm) to 2 inches (51 mm), or a non-circular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than 6 5/8 inches (168 mm) and a largest cross sectional dimension not exceeding 3 1/4 inches (83 mm). The perimeter on non-circular cross sections shall be measured from one side of the cross section, 2 inches (51 mm) down from the top or crown.

An indentation is required on both sides of non-circular handrail cross sections. This indentation must be in the area of the sides between 5/8 inch (16 mm) and 1 1/2 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 1/4 inch (6 mm) deep on each side and shall be at least 1/2 inch (13 mm) high.

Edges within the handgrip shall have a minimum radius of 1/16 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

Chapter 16, Section ~~[1603.6, Footnote 3]~~1612.3.2, Exception 2 is amended to read as follows:

~~[3:]~~2. Snow loads over 30 psf may be reduced in accordance with Section ~~[1628+]~~1630.1.1, Item 3 (amended), and snow loads 30 psf or less need not be combined with seismic.

Chapter 16, Section ~~[1628+]~~1630.1.1, Item 3 is amended as follows:

~~[c]3. Design snow loads of 30 psf or less need not be included. Where the snow load [is greater than]exceeds 30 psf, the snow load shall be included. The snow load shall be adjusted in accordance with the following formula: $W_s = ((0.25 + 0.025(A-5))P_f$~~

WHERE: W_s = Weight of snow to be included in seismic calculations

A = Elevation above sea level at the location of the structure in question (ft/1000)

P_f = ~~[Minimum]Design~~ roof snow load, psf.

~~[Chapter 19, Section 1914.3.1 is amended by adding an exception between the first and second paragraphs as follows:~~

~~EXCEPTION: The foundations for buildings or portions thereof which are constructed in accordance with the conventional framing requirements specified in Chapter 23 of this code shall be deemed to meet the requirements of this section if they are constructed as follows:~~

- ~~1. Minimum wall thickness: 8 inches;~~
- ~~2. Maximum wall height: 8 feet;~~
- ~~3. Wall Steel: No. 4 deformed bars with a minimum yield strength of 60,000 psi not more than 24 inches on center vertically and horizontally, or No. 4 deformed bars with a minimum yield strength of 40,000 psi not more than 16 inches on center vertically and 24 inches on center horizontally. All bars shall be placed in the center of the wall.~~
- ~~4. Openings: Two No. 4 bars on all sides of openings extending so as to develop the bar beyond the corners of the openings.~~
- ~~5. Dowels: Dowels with a standard hook shall be placed in the footing so as to match the wall steel, and extend at least 12 inches into the wall.~~
- ~~6. Limitation: This exception may not be used for structures located where the difference in grade from one side of the structure to the other is more than 5 feet, or for walls retaining more than 4 feet of soil and which do not connect to floor diaphragms, or for walls containing openings more than 6 feet wide.]~~

~~Chapter 23, Section [2304.3.4, Item 2]2316.2, Item 6 is amended by adding footnote 3, reference from "two months", to read as follows:~~

~~([2]6) When the accumulated duration of the full maximum load during the life of the member does not exceed the period indicated below, the values may be increased in the tables as follows:~~

~~[15 percent for two months' duration,]3 as for snow below 5000 feet elevation[the remainder of (2) is unchanged].~~

~~Chapter 23, Section [2316.1]2307 is amended by adding exception 5 as follows:~~

5. Veneer of brick or stone applied as specified in Section 1403.6 may be supported on structural glued-laminated timber or laminated veneer lumber provided that the beam be designed to limit the dead load deflection to 1/800 of the span and the total load deflection to 1/600 of the span with due consideration given for shrinkage and creep. The beam shall be protected from exposure to weather as required for dwelling under Section 1402.1.

Chapter 34, Section 3403.2 is amended as follows:

The following is added after the exceptions[at the end of paragraph (b)]:

Buildings constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages

shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 and U occupancies.

Original plans and/or structural calculations may be utilized to demonstrate that the parapets or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zones Nos. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the forces specified in Table 16-0 for walls shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors are required. Approved alternate methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 11, Division I, Site Accessibility, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 11, Division II, Accessibility For Existing Buildings, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 13, Energy Conservation in New Building Construction, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 13, Section 1302.2 is amended as follows:

In order to comply with the purpose of this appendix, low-rise residential buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the International Conference of Building Code Officials (ICBO); the Southern Building Code Congress International, Inc. (SBCCI); the Building Officials and Code Administrators International, Inc. (BOCA); and the National Conference of States on Building Codes and Standards, dated [1993]1995. Commercial and high-rise residential buildings shall be designed to comply with the requirements of the Energy Code for Commercial and High-Rise Residential Building, which is a codification of ASHRAE/IES Standard 90.1 - 1989, Energy Efficient Design of New Buildings except Low-Rise Residential Buildings.

The Model Energy Code is amended as follows:

Section 502.2.1 Walls is amended as follows:

Equation 1 shall be used to determine acceptable combinations to meet this requirement, and when metal studs are used, U_w -values shall be those calculated using appropriate correction factors for thermal bridging of insulation as published in Section 8 of RS-1; or calculated using ASHRAE RS-4 approved methodology for either serial or parallel path thermal transfer; or U -values compiled in Table 8-Y of the "User's Manual" for ASHRAE/IES Standard 90.1-1989, which is hereby incorporated by reference and which shall be available at all offices issuing building permits or the Division of

Occupational and Professional Licensing or insertion in the Model Energy Code.

Simplified prescriptive maps, tables or other compliance aids, manuals or computer programs as may be supplied by DOE/Pacific Northwest Laboratory or others, when certified by the state or its agencies, may be used to demonstrate energy code compliance.

ASHRAE/IES Standard 90.1-1989 is amended as follows:
Section 101.3.1.2 Exceptions:

(4) The building official may approve designs which do not fully conform with all of the requirements of this code where in the opinion of the building official full compliance is physically impossible and/or economically impractical.

Appendix Chapter 16, Division I, Snow Load Design is adopted and incorporated by reference.

Appendix Chapter 16, Division I, Section ~~[4636]~~1639 is amended as follows:

The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A - A_o)^2)^{1/2}$ for A greater than A_o , and $P_g = P_o$ for A less than A_o ,

WHERE:

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table A-16-~~[R]~~C

S = Change in ground snow load with elevation (psf/1000 ft), from Table A-16-~~[R]~~C

A = Elevation above sea level at the location for which snow load is being determined (ft/1000)

A_o = Asymptote and zero ground snow axis intercept (ft/1000) from Table A-16-~~[R]~~C

The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record. The building official may round the snow load to the nearest 5 psf.

Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

Appendix Chapter 29, Minimum Plumbing Facilities, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 29 is amended as follows:

The following is added as footnote 7:

7. When provided, there shall be an equal number of diaper changing facilities for men as for women.

Appendix Chapter 30, Elevators, Dumbwaiters, Escalators and Moving Walks, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 30, Section 3012 is amended as follows:

The following is added at the end of Section 3012:

Exceptions to ANSI/ASME A17.1:

(1) Delete Rule 102.2(c)(3); and

(2) Rule 102.2(c)(4) shall apply to all elevators except hydraulic elevators with 50 feet of travel or less.

Chapter 9-1 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-1 (NFPA-13, 1991 edition) with the ~~[most current]~~ fire sprinkler standard, NFPA-13, ~~[1994]~~1996 edition.

Chapter 9-3 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-3 (NFPA-13R, 1989 edition) with the ~~[most current]~~ fire sprinkler standard, NFPA-13R, ~~[1994]~~1996 edition.

(2) Local Amendments

Beaver County

Beaver County adopted Appendix Chapter 3, Division II.

Heber City Corporation

Heber City Corporation adopted Appendix Chapter 33.

Murray City Corporation adopted Appendix Chapter 3 Division II, Appendix Chapter 31 Division III, and Appendix Chapter 33.

City of North Salt Lake

City of North Salt Lake adopted Appendix Chapter 3, except Section 332, Appendix Chapter 9, Appendix Chapter 12, Division I, Appendix Chapter 15, Appendix Chapter 31, Division II and III and Appendix Chapter 33.

City of Orem

City of Orem adopted Appendix Chapter 3, Division I, Appendix Chapter 3, Division II, Appendix Chapter 31, Division III, and Appendix Chapter 33.

Park City Corporation

Chapter 9, Section 904.2.1 is amended by adding the following sections:

904.2.1.1 All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

904.2.1.2 All new construction having more than two (2) stories, except R-3 occupancy.

904.2.1.3 All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

904.2.1.4 All new construction in the Historic Commercial Business zone district, regardless of occupancy.

904.2.1.5 All new construction and buildings in the General Commercial zone district where there are side yard setbacks or

TABLE NO. A-16-~~[R]~~C
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0

where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

904.2.1.6 All existing building within the Historic District Commercial Business zone by August 15, 1996.

Park City Corporation

Chapter 15, Table No. 15-A. The following is added as footnote [6]5:

[6]5 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Park City Corporation

Chapter 33, Section 3306.2 is amended as follows:

Omit paragraph 1 and add a period after the word "excavation" in the third line of paragraph 2 and omit "nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure". Delete paragraphs 8 and 9. Re-number the sections and add a new paragraph 7 requiring a permit for removal of substantial vegetation, shrubs, trees and stabilizing grass, but not to include weeds.

Park City Corporation adopted Appendix Chapter 3 Division II, Chapter 4 Division II, Chapter 12 Division II, Chapter 13, Chapter 15, Chapter 30, Chapter 31 Division I and Chapter 33[Chapter 23 Division I and IV, Chapter 31, Chapter 32, Chapter 35, Chapter 51, Chapter 53 and Chapter 70].

Salt Lake County

Salt Lake County adopted Chapter 15, Chapter 16, Division III, Chapter 31, Division II, Chapter 31, Division III and Chapter 33.

City of St. George

City of St. George adopted Appendix Chapter 3 and Appendix Chapter 33.

Sandy City

Chapter 9, Section 904.2 is amended as follows:

An automatic fire sprinkler system shall be installed in all occupancies where the required fire flow exceeds 2,000 gallons per minute based on Table A-III-A-1 of the 1994 Uniform Fire Code.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R, Division 3 and Group U occupancies.

Summit County

Summit County adopted Appendix Chapter 33.

Summit County

Chapter 9, Section 904.2

1. All new construction having more than 6,000 square feet on any one floor, except R-3 and U occupancies.

2. All new construction having more than two (2) stories, except R-3 and U occupancies.

3. All new construction having three (3) or more dwelling units, including units rented or leased and including condominiums or other separate ownership.

4. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least an one hour fire resistive separation between units.

Washington City

Washington City adopted Appendix Chapter 33.

City of West Jordan

City of West Jordan adopted Appendix Chapter 3, Division II, Appendix Chapter 4, Division II, Appendix Chapter 13 and Appendix Chapter 33.

R156-56-706. Amendments to the IPC.

(1) Statewide Amendments

Section 107.1.1 is deleted in its entirety.

Section 109 is retitled as "Board of Appeal".

Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

Sections 109.2 through 109.7 are deleted in their entirety.

Section 202 General Definitions is revised as follows:

The definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

The definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

The following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

The definition for "Code Official" is deleted and replaced with the following:

Code Official. The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.

The definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping

systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

The following definition is added:

Emergency Floor Drain. A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.

The following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

The definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

The definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

Section 312.9 is deleted in its entirety.

Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

Table 403.1 is deleted in its entirety.

Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100-5, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-5(19)(5) a and b, Utah Administrative Code.

Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

Section 409.1 is deleted and replaced with the following:

409.1 Approval. Domestic dishwashing machines shall conform to ASSE (American Society of Sanitary Engineering) 1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF (National Sanitary Foundation) 3 or NSF 26.

Section 409.3 is deleted and replaced with the following:

Section 409.3 Waste connection. Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by either the use of an approved airgap device installed above the flood level of the sink, or by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch

tailpiece located above the trap or to an approved food waste disposal unit.

Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one emergency floor drain.

Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

Section 425.1.1 - The following exception is added after the paragraph.

Exception: Multiple urinals with an automatic flushing device.

Section 502.6 is added as follows:

502.6 Water Heater Seismic Bracing. In seismic zones 3 and 4, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

Section 504.8.1 is amended as follows:

The measurement of "1 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-2-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

Sections 602.3.1, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exception: 1) bath tubs and showers.

Exception: 2) in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each sillcock.

3. On the water supply pipe to each appliance or mechanical equipment.

Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

Section 608.1 - The following sentence is added at the end of the paragraph: Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

Table 608.1 is deleted and replaced with the following:

TABLE
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap	High or Low	Backsiphonage	See Table 608.15.1 (ASME A112.2)
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage	<p>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</p> <p>b. RP assemblies shall NOT be installed in a pit.</p> <p>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</p> <p>d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</p>
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage	<p>a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</p> <p>b. Shall be installed in a horizontal position unless listed or approved for vertical installation.</p>
Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</p>

			<p>c. Shall not be installed below ground or in a vault or pit.</p> <p>d. Shall be installed in a vertical position only.</p>
Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use.</p> <p>c. Shall not be installed below ground or in a vault or pit.</p> <p>d. Shall be installed in a vertical position only.</p>
Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)	High or Low	Backsiphonage	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</p> <p>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</p> <p>d. Shall be installed on the discharge (downstream) side of any valves.</p> <p>e. The AVB shall be installed in a vertical position only.</p>
General Installation Criteria			<p>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</p>

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.
In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.
Assemblies shall be maintained as an intact assembly.

Table 608.1.2 is added as follows:

TABLE 608.1.2
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

Section 608.3.1 - The following sentence is added at the end of the paragraph: All piping and hoses shall be installed below the atmospheric vacuum breaker.

Section 608.7 is deleted in its entirety.

Section 608.8 - The following sentence is added at the end of the paragraph: In addition each nonpotable water outlet shall be

labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

Section 608.11 - The following sentence is added at the end of the paragraph: The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

Section 608.13.3 is deleted and replaced with the following:
608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

Section 608.15.3 is deleted and replaced with the following:
608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

Section 608.15.4 is deleted and replaced with the following:
608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

Section 608.16.1 is deleted and replaced with the following:
608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a stainless steel vented dual check valve installed according to the requirements of this chapter.

Section 608.16.2 - The first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

Section 608.16.7 is deleted and replaced with the following:
608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.8 is deleted and replaced with the following:
608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

Section 608.16.9 is deleted and replaced with the following:
608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water

Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

Section 608.17 is deleted in its entirety.

Section 608.18 is added as follows:

608.18 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and the Reduced Pressure Detector Assembly.

Section 701.2 - The following is added at the end of the paragraph: The sewer is considered as available when within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.

Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

Section 802.3.2 is deleted in its entirety.

Section 904.6 - The following sentence is added at the end of the paragraph: Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

Section 1003.3.3 is added as follows:

1003.3.3 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

Section 1108 is deleted in its entirety.

Section 1201.2 is deleted and replaced with the following:

1201.2 Fuel piping systems. All fuel piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of Appendix B, Chapter 13 of the 1994 Uniform Mechanical Code.

Appendix G, Section G110 is deleted, renumbered and replaced with the following:

Section 1202 CNG GAS-DISPENSING SYSTEMS

1202.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1202.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the Uniform Mechanical Code.

1202.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPS 52 and the uniform fire code.

Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
FCCCHR Control and Hydraulic Research
9th University of Southern California
Edition Kaprielian Hall 300
Manual Los Angeles CA 90089-2531
of Cross
Connection

R156-56-707. Amendments to the UPC.

(1) Statewide Amendments

Chapter 1, Section 104 (a) is amended as follows:

"(a) Certified Backflow Assembly Tester - A certified backflow assembly tester is a person who has shown competence to test backflow assemblies to the satisfaction of the Administrative Authority having jurisdiction."

Chapter 6, Section 601 (b) is amended as follows:

"(b) No cold storage room, refrigerator, cooling counter, compartment, receptacle, appurtenance, or device which is used, designed or intended to be used for the storage or holding of food or drink and no dishwashing or culinary sink in any food preparation room which is used for soaking, washing, or preparing ready-to-serve food shall have any drain in connection therewith directly connected to any soil, waste, or vent pipe. A minimum of one compartment of a three-compartment sink located in a food preparation room shall be indirectly drained through an airbreak. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in Chapter 1 of this Code, and all wastes drained by them shall discharge through an airbreak into an open floor sink or other approved type receptor which is properly connected to the drainage system.

The foregoing does not apply to walk-in refrigerators or combination walk-in, reach-in refrigerators used for storage and sales of products packaged in bottles, cartons, or containers.

Cooling and air-conditioning equipment may be separated by an airbreak."

Chapter 6, Section 608 (d) is replaced by the following:

"(d) Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by either the use of an approved airgap device installed above the flood level of the sink, or by the drain hose being extended and secured as high as possible under the bottom of the countertop before it is

connected to the branch tailpiece located above the trap or to an approved food waste disposal unit."

Chapter 7, Section 702 (c) is amended as follows:

"(c) A trap arm may change direction without the use of a cleanout when such accumulated change of direction does not exceed one hundred and thirty-five (135) degrees." The Exception following paragraph (c) is deleted.

Chapter 7, Section 707 is amended as follows:

"Floor drain or similar traps directly connected to the drainage system and subject to infrequent use shall be provided with an approved means of maintaining their water seals, except where not deemed necessary for safety or sanitation by the Administrative Authority."

Chapter 8, Section 804 - the following is added as paragraph (g):

"(g) Corrugated Stainless Steel Tubing (CSST) Joint - The method of joining CSST shall be by mechanical fittings listed for use with specific CSST systems."

Chapter 9, Section 902 is amended as follows:

"Special-use fixtures may be made of soapstone, chemical stoneware, or may be lined with lead, copper base alloy, nickel-copper alloy, corrosion-resisting steel, or other materials especially suited for the use for which the fixture is intended.

Other special use sinks may be made of approved type bonderized and galvanized sheet steel of not less than No. 16 U.S. Gauge (.0625 inches) (1.6 mm). All sheet metal plumbing fixtures shall be adequately designed, constructed, and braced in an approved manner to satisfactorily accomplish their intended purpose.

Chapter 9, Section 905(c) is added as follows:

(c) Effective July 1, 1992:

(1) All tank type water closets with a flow rate greater than 1.6 gallons per flush are prohibited.

(2) Shower heads with a flow rate greater than 2.5 gallons per minute are prohibited.

(d) Bonderized and galvanized sheet steel restaurant kitchen sinks are prohibited.

Chapter 9, Section 909(g) is deleted and replaced with the following:

(g) Shower valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination mixing valves that conform to the requirements of ASSE 1016 or CSA CAN/CSA-B 125. Such valves shall be equipped with handle position stops that are field adjusted in accordance with the manufacturer's instructions to a maximum hot water setting of 120 degrees Fahrenheit (49 degrees Celsius).

Exception: Balanced pressure, thermostatic or combination mixing valves shall not be required for showers and tub-shower combinations in one- or two-family dwellings and multiple showers supplied with a single tempered water supply provided the hot water supply for such showers is controlled by an approved master thermostatic mixing valve adjusted in accordance with the manufacturer's instructions to a maximum hot water setting of 120 degrees Fahrenheit (49 degrees Celsius). Such master thermostatic mixing valves shall be sized according to the peak demand of fixtures located downstream of the valve and shall comply with ASSE 1016. The water heater thermostat shall not be used as the temperature-control device for compliance with this section.

Chapter 9, Section 910 is amended as follows:

"Each building intended for human habitation shall be provided with sanitary facilities.

(a) A lavatory or similar fixture shall be provided in the same room or an immediately adjoining room wherever a water closet or urinal is installed.

(b) All public rest room facilities shall be equipped with at least one floor drain.

(c) Hot and cold water shall be supplied to all plumbing fixtures which normally use hot and cold water for their proper use and function."

Chapter 10, Section 1003 (c) is amended as follows:

"(c) Access and clearance shall be provided for the required testing, maintenance and repair."

Chapter 10, Section 1003 (s) is amended as follows:

"(s) Potable Water Supply to Carbonaters shall be protected by a stainless steel vented dual check valve and installed per the requirements of this chapter."

Chapter 10, Section 1003 - the following is added as paragraph (u):

"(u) Addition of chemicals other than pure glycerin (CP or USP 96.5%) or propylene glycol to any wet standpipe fire suppression system shall require the installation of a Reduced Pressure Zone Principle Backflow Assembly. A warning sign shall be posted at those systems containing pure glycerine or propylene glycol stating CAUTION - FILL ONLY WITH WATER SOLUTIONS OF PURE GLYCERINE (C.P. OR U.S.P. 96.5%) OR PROPYLENE GLYCOL."

Chapter 10, Section 1004 (a) is amended as follows:

"(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, CPVC, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. PB manifold and CPVC water pipe and tubing may be used for hot and cold water distribution systems within a building in accordance with manufacturers recommendation. PB systems must have all unions left accessible. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority."

Chapter 11, Section 1101 (d) is amended as follows:

"(d) The public sewer may be considered as being available when such public sewer is within three hundred (300) feet of any property line with any building used for human occupancy."

Chapter 12, Section 1202 - the following is added as paragraphs (c) through (e). All remaining paragraphs are renumbered.

"(c) CSST - Corrugated Stainless Steel Tubing.

(d) CSST Gas Manifold - A listed fitting used to connect multiple branches to a central gas piping system.

(e) EHD - Equivalent Hydraulic Diameter."

Chapter 12, Section 1202, new paragraph (g) is amended as follows:

"(g) Gas Piping - Any installation of pipe, CSST, valves, and fittings that is used to convey fuel gas, installed on any premises or in any building, but shall not include:

(1) Any portion of the service piping.

(2) Any approved piping connection six feet (1.8 m) or less in length between an existing gas outlet and a gas appliance in the same room with the outlet."

Chapter 12, Section 1205 is amended as follows:

"No rigid gas piping shall be strained or bent and no appliance shall be supported by or develop any strain or stress on its supply piping. Gas piping supplying appliances designed to be supported by the piping may be used to support such appliances, when first approved by the Administrative Authority."

Chapter 12, Section 1211 is amended as follows:

(g) All gas meters located more than 6500 feet above sea level must be located in an area that is protected from ice and snow or be provided with snow and ice protection.

Chapter 12, Section 1212 (a), (b) and (c) are amended as follows:

"(a) All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), yellow brass (containing not more than 75 percent copper), internally tinned or equivalently treated copper of iron pipe size or listed CSST. Approved PVC or PE pipe may be used in exterior buried piping systems. Type "K" copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

(b) New materials shall be utilized when installing CSST. All other pipe shall be either new, or shall previously have been used for no other purpose than conveying gas; it shall be in good condition and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe.

(c) All fittings used in connection with the above piping shall be of malleable iron, yellow brass (containing not more than 75 percent copper), or approved plastic fittings. All fittings and components used with CSST shall be part of the same listed system."

Chapter 12, Section 1213 (a) is amended as follows:

"(a) All joints in the piping system, unless welded or a component of a listed CSST system, shall be screwed joints, having approved standard threads. Such screwed joints shall be made up with approved pipe joint material, insoluble in the presence of fuel gas and applied to the male threads only."

Chapter 12, Section 1213 (c) is amended as follows:

"(c) No gas piping shall be installed in or on the ground under any building or structure and all exposed gas piping shall be kept at least six inches (152.4 mm) above grade or structure. CSST shall only be installed within the building structure downstream of the meter."

Chapter 12, Section 1213 - the following will be added after paragraph (h):

"EXCEPTION: CSST shall be supported with hooks, metal pipe, straps, bands, brackets, or hangers suitable for the size and weight of the tubing, at intervals not to exceed those shown in Table 12-11.

A listed termination fitting shall be installed and secured to the structure at all CSST gas outlets."

Chapter 12, Section 1213 (o), the following is added:

When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.

Chapter 12, Section 1213 (q) is amended as follows:

"(q) Changes in direction of gas piping shall be made by appropriate use of fittings, except CSST may be bent to a radius of not less than three times the nominal tubing diameter, and PE gas

pipe and tubing may be bent to a radius of not less than 20 times the nominal pipe or tubing diameter."

Chapter 12, Section 1213 - the following are added as paragraphs (r) and (s):

"(r) CSST Installation Requirements

(1) CSST may be installed in concealed locations. Listed CSST fittings and assemblies shall not be considered concealed if accessible.

(2) CSST installed in exposed and/or concealed locations subject to physical damage shall be adequately protected.

(3) When CSST passes through wood members, it shall be installed and protected as follows:

1. Bored Holes - In locations where CSST is installed through bored holes in wood members, holes shall be bored so that the edge of the hole is not less than two inches (50.8 mm) from the nearest edge of the wood member. Where this distance cannot be maintained at any point, the CSST shall be protected by a listed striker plate of the appropriate length and width. The diameter of bored holes shall be a minimum of one-half inch larger than the L.D. of the CSST.

2. Notches in wood are prohibited for CSST installations.

(4) When CSST passes through metal members, it shall be installed and protected as follows: In both exposed and concealed locations where CSST passes through metal members, the CSST shall be protected by bushings or grommets securely fastened in the opening prior to installation. Where nails or screws may penetrate CSST, it shall be protected by a listed striker plate of appropriate length and width.

(5) When CSST is installed parallel to framing members, it shall be installed and protected as follows: CSST shall be installed and supported so that the nearest outside surface of the tubing is not less than two and one-half inches (63.5 mm) from the nearest edge of the framing member where nails or screws may penetrate. Where the distance cannot be maintained at any point, the tubing shall be protected by a listed striker plate of appropriate length and width.

(s) Each manifold used with a CSST system shall:

(1) Be accessible.

(2) Be securely fastened to the structure.

(3) Be installed in a location that communicates with a ventilated area."

Chapter 12, Section 1215 (e) is amended as follows:

The following is added after paragraph (e):

EXCEPTION: LP Gas Piping may be installed in basements of buildings with not more than 6,000 square feet per floor and not classified as group E, H or I occupancy, PROVIDED:

1. All new systems shall be installed in accordance with NFPA Article 58 and 54.

2. The entire gas system shall be pressure tested and inspected for leaks as set forth in NFPA Article 54, Sections 4.1.1 through 4.3.4 and all tanks, piping, regulators, gauges, connectors, valves, vents, thermostats, pilots, burners and appliance controls shall be inspected for proper installation and function as administered and required by the Utah LPG Board and reinspected every five years thereafter. The inspector shall be a certified LPG serviceman as provided by the Liquified Petroleum Gas Act.

3. All new LPG systems installed in basements shall be inspected by a certified LPG serviceman and approved before occupancy is allowed. All existing below grade installations shall

be inspected and approved within five years of the adoption of this program and every five years thereafter.

4. A visible tag indicating the system has successfully passed a gas check inspection shall be affixed to the LPG supply tank. Such tag shall indicate the name of the company, the certification number of the inspector, and the date of inspection.

5. An approved and listed audible LP gas detector alarm shall be installed in all new below grade installations in accordance with the manufacturer's listing.

Chapter 12, Section 1215 (f) is amended as follows:

The following is added after paragraph (f):

EXCEPTION: LP Gas Piping may be installed in basements of buildings with not more than 6,000 square feet per floor and not classified as group E, H or I occupancy, PROVIDED:

1. All new LPG systems installed in basements shall be inspected by a certified LPG serviceman and approved before occupancy is allowed. All existing below grade installations shall be inspected and approved within five years of the adoption of this program and every five years thereafter.

2. An approved and listed audible LP gas detector alarm shall be installed in all new below grade installations in accordance with manufacturers listing.

Chapter 12, Section 1219 (a) is amended as follows:

"(a) Where the maximum demand does not exceed 250 cubic feet per hour (2 L/s) and the maximum length of piping between the meter and the most distant outlet is not over 250 feet (76 m), the size of each section and each outlet of any system of gas piping shall be determined by means of Table 12-3. Other systems within the range of Table 12-3 may be sized from that table or by means of the methods set forth in subsection (c) of this section. For systems using CSST, refer to Tables 12-12 and 12-13."

Chapter 12, Section 1219 (b) (2) and (4) are amended as follows:

"(b) To determine the size of each section of pipe or EHD for CSST, in any system within the range of Table 12-3, 12-12 or 12-13, proceed as follows:

(2) In Table 12-3, 12-12 or 12-13, select the column showing that distance, or the next longer distance, if the table does not give the exact length.

(4) Opposite this demand figure, in the first column at the left in Table 12-3, 12-12 or 12-13, will be found the correct size of pipe or CSST."

Chapter 12, Section 1219 - the following will be added after paragraph (c):

"EXCEPTION: For CSST systems, see Table 12-13 for permissible pressure drops greater than one-half inch water column. Table 12-13 shall be used in conjunction with medium pressure systems only, and for sizing the tubing in the low pressure portion of medium pressure systems."

Chapter 12, Section 1219 (d) is amended as follows:

"(d) Where the gas pressure may be higher than 14 inches (355.6 mm) or lower than six inches (152.4 mm) of water column, or when diversity demand factors are used, the design, pipe, sizing, materials, location, and use of such systems first shall be approved by the Administrative Authority. Piping systems designed for pressures higher than the serving gas supplier's standard delivery pressure shall have prior verification from the gas supplier of the availability of the design pressure. Systems using undiluted liquified petroleum gas may be sized using either Table 12-7 for

steel pipe or Table 12-16 for CSST systems for 11 inches (279.4 mm) water column and in accordance with the provisions of subsections (a) and (b)."

Chapter 12, Section 1220 (f) and (g) are amended as follows:

"(f) Tables 12-4, 12-5 and 12-6 may be used to size natural gas piping system carrying two, three, or five psig (13.8, 20.7, or 34.5 kPa) gas. Tables 12-14 and 12-15 may be used to size CSST systems, carrying two or five psig. The procedure to determine the size of each section of the system is similar to that contained in Section 1219 of this Code using the pipe length from the meter to the most remote regulator on the medium pressure system and sizing the downstream low pressure piping from Table 12-3 for steel pipe and Table 12-13 for CSST.

(g) For other than CSST systems, Table 12-8 may be used to size undiluted liquified petroleum gas piping systems carrying 10 psig (68.9 kPa) gas. The procedure to determine the size of each section of the system is similar to Section 1219 of this Code using the pipe length from the first stage or tank regulator to the most remote regulator in the second state system. Low pressure piping to be sized from Table 12-7."

TABLE I
Table 12-11
Support Intervals for CSST

Tubing Size EHD	Feet	Meters
1-16 horizontal	4	1.22
17-32 horizontal	6	1.83
1-32 vertical	Every floor not to exceed 10 feet between supports	

TABLE II
Table 12-12
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 7 in. WC and Pressure Drop of 0.5 in. WC
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (ft)									
	5	10	15	20	25	30	40	50		
12	48	25	24	21	20	17	14	13		
13	50	34	28	23	21	18	15	14		
14	70	52	43	37	34	31	28	27		
17	116	85	70	62	55	50	42	39		
18	129	90	75	65	58	54	45	41		
19	143	102	79	70	63	58	49	44		
20	250	168	130	110	105	96	80	72		
22	258	174	133	116	105	96	80	75		
26	336	232	174	161	145	129	110	98		
31	581	400	323	278	245	226	187	169		
	60	70	80	90	100	150	200	250	300	
12	11	11	10	10	7	5	-	-	-	
13	12	11	11	10	9	6	5	4	-	
14	25	24	22	21	19	14	10	8	5	
17	34	32	28	27	22	19	15	14	10	
18	37	36	35	30	23	21	15	15	13	
19	40	39	37	36	35	29	23	18	15	
20	60	55	48	46	42	29	23	18	15	
22	60	56	52	49	45	36	31	27	23	
26	88	83	77	75	72	67	61	49	48	
31	152	142	129	127	117	106	96	75	71	

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE III
Table 12-12A
Maximum Capacity of CSST in Liters of Gas per Second for
Gas Pressure of 177.8 mm WC and Pressure Drop of 12.7 mm WC
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (m)					
	1.50	3.00	4.60	6.00	7.60	9.00
12	0.38	0.20	0.19	0.17	0.16	0.13
13	0.39	0.27	0.22	0.18	0.17	0.14
14	0.55	0.41	0.34	0.29	0.27	0.24
17	0.91	0.67	0.55	0.49	0.43	0.39
18	1.02	0.71	0.59	0.51	0.46	0.42
19	1.13	0.80	0.62	0.55	0.50	0.46
20	1.97	1.32	1.02	0.87	0.83	0.76
22	2.03	1.37	1.05	0.91	0.83	0.76
26	2.64	1.83	1.37	1.27	1.14	1.02
31	4.57	3.15	2.54	2.19	1.93	1.78

12.20 15.20 18.30 21.30 24.40 27.40

12	0.11	0.10	0.09	0.09	0.08	0.08
13	0.12	0.11	0.09	0.09	0.09	0.08
14	0.22	0.21	0.20	0.19	0.17	0.17
17	0.33	0.31	0.27	0.25	0.22	0.21
18	0.35	0.32	0.29	0.28	0.27	0.24
19	0.39	0.35	0.31	0.31	0.29	0.28
20	0.63	0.57	0.47	0.43	0.38	0.36
22	0.63	0.59	0.47	0.44	0.41	0.39
26	0.87	0.77	0.69	0.65	0.61	0.59
31	1.47	1.33	1.20	1.12	1.02	1.00

30.50 45.70 60.90 76.20 91.40

12	0.06	0.04	-	-	-	-
13	0.07	0.05	0.04	0.03	-	-
14	0.15	0.11	0.08	0.06	0.04	-
17	0.17	0.15	0.13	0.11	0.08	-
18	0.18	0.17	0.13	0.12	0.10	-
19	0.28	0.23	0.18	0.14	0.12	-
20	0.33	0.23	0.18	0.14	0.12	-
22	0.35	0.28	0.24	0.21	0.18	-
26	0.56	0.53	0.48	0.39	0.38	-
31	0.92	0.83	0.76	0.59	0.56	-

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE IV
Table 12-13
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 10 in. WC and Pressure Drop of 3 in. WC
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (ft)							
	5	10	15	20	25	30	40	50
12	102	75	60	52	47	42	41	38
13	132	90	72	68	56	50	43	38
14	155	114	93	83	75	70	62	56
17	240	180	148	130	115	108	99	90
18	310	219	168	148	136	129	114	101
19	361	258	207	181	158	145	124	110
20	510	387	310	286	247	225	207	188
22	658	449	368	310	287	254	213	190
26	852	581	478	413	361	336	290	256
31	1485	1033	826	697	633	581	491	439

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE V
Table 12-13A
Maximum Capacity of CSST in Liters of Gas per Second for
Gas Pressure of 254 mm WC and Pressure Drop of 76.2 mm WC
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (m)					
	1.50	3.00	4.60	6.00	7.60	9.00
12	0.80	0.59	0.47	0.41	0.37	0.33
13	1.04	0.71	0.57	0.54	0.44	0.39
14	1.22	0.90	0.73	0.65	0.59	0.55
17	1.89	1.42	1.16	1.02	0.91	0.85
18	2.44	1.72	1.32	1.16	1.07	1.02
19	2.84	2.03	1.63	1.42	1.24	1.14
20	4.01	3.05	2.44	2.25	1.94	1.77
22	5.18	3.53	2.90	2.44	2.26	2.00
26	6.71	4.57	3.76	3.25	2.84	2.64
31	11.69	8.13	6.50	5.49	4.98	4.57

12.20 15.20 18.30 21.30 24.40 27.40

12	0.32	0.30	0.27	0.24	0.22	0.21
13	0.34	0.30	0.27	0.24	0.22	0.21
14	0.49	0.44	0.41	0.38	0.35	0.34
17	0.78	0.71	0.67	0.63	0.59	0.55
18	0.90	0.79	0.71	0.66	0.61	0.58
19	0.98	0.87	0.79	0.73	0.69	0.65
20	1.63	1.48	1.37	1.24	1.18	1.08
22	1.68	1.50	1.39	1.28	1.22	1.10
26	2.28	2.01	1.83	1.68	1.57	1.44
31	3.86	3.45	3.15	2.90	2.75	2.54

	30.50	45.70	60.90	76.20	91.40
12	0.20	0.17	0.14	0.13	0.12
13	0.20	0.17	0.14	0.13	0.12
14	0.32	0.28	0.24	0.22	0.21
17	0.54	0.43	0.36	0.33	0.30
18	0.56	0.45	0.38	0.35	0.31
19	0.61	0.50	0.42	0.39	0.35
20	1.01	0.82	0.71	0.62	0.57
22	1.02	0.84	0.71	0.63	0.57
26	1.40	1.12	0.97	0.85	0.78
31	2.38	1.93	1.64	1.47	1.34

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VI
Table 12-14
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 2 psi and Pressure Drop of 1.5 psi
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (ft)							
	10	25	30	40	50	75	80	100
12	250	170	160	142	130	112	110	100
13	355	207	187	155	142	127	123	106
14	361	239	219	194	176	147	145	129
17	570	380	360	320	290	245	235	225
18	839	503	452	413	368	297	284	271
19	981	607	555	478	420	349	336	297
20	1180	800	745	650	600	520	500	460
22	2195	1252	1097	968	865	704	658	594
26	2324	1446	1291	1150	1007	800	775	697
31	4002	2453	2259	1937	1743	1394	1420	1188
	150	200	250	300	400	500		
12	85	75	64	55	50	45		
13	88	75	65	58	50	45		
14	110	96	86	80	70	63		
17	180	160	144	135	118	105		
18	194	168	168	142	129	121		
19	245	213	186	174	145	129		
20	380	340	310	280	250	220		
22	452	387	349	284	261	220		
26	568	484	432	400	336	297		
31	968	839	749	684	581	503		

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 4 in WC, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VII
Table 12-14A
Maximum Capacity of CSST in Liters of Gas per Second for
Gas Pressure of 13.8 Kpa and Pressure Drop of 10.3 KPa
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (m)						
	3.00	7.62	9.00	12.20	15.20	22.86	
12	1.97	1.34	1.26	1.12	1.02	0.88	
13	2.79	1.63	1.47	1.22	1.12	1.00	
14	2.84	1.88	1.72	1.53	1.39	1.16	
17	4.49	2.99	2.83	2.52	2.28	1.93	
18	6.60	3.96	3.56	3.25	2.90	2.34	
19	7.72	4.78	4.37	3.76	3.31	2.75	
20	9.29	6.30	5.86	5.12	4.72	4.09	
22	17.27	9.85	8.63	7.62	6.81	5.54	
26	18.29	11.38	10.16	9.05	7.93	6.30	
31	31.50	19.31	17.78	15.24	13.72	10.97	
	24.40	30.50	45.70	60.90	76.20	91.40	
12	0.87	0.79	0.67	0.59	0.50	0.43	
13	0.97	0.83	0.69	0.59	0.51	0.46	
14	1.14	1.02	0.87	0.76	0.68	0.63	
17	1.85	1.77	1.42	1.26	1.13	1.06	
18	2.24	2.13	1.53	1.32	1.32	1.12	
19	2.64	2.34	1.93	1.68	1.46	1.37	
20	3.94	3.62	2.99	2.68	2.44	2.20	
22	5.18	4.67	3.56	3.05	2.75	2.24	
26	6.10	5.49	4.47	3.81	3.40	3.15	
31	11.18	9.35	7.62	6.60	5.89	5.38	
	121.90	152.40					
12	0.39	0.35					
13	0.39	0.35					
14	0.55	0.50					
17	0.93	0.83					
18	1.02	0.95					
19	1.14	1.02					
20	1.97	1.73					
22	2.05	1.73					
26	2.64	2.34					
31	4.57	3.96					

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 100 mm WC, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VIII
Table 12-15
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 5 psi and Pressure Drop of 3.5 psi
(Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (ft)							
	10	25	30	40	50	75	80	100
12	350	240	225	192	185	155	151	140
13	490	340	312	279	250	207	198	181
14	542	355	323	284	258	217	200	187
17	830	560	510	447	405	345	340	310
18	1291	775	749	633	549	439	432	400
19	1549	968	891	723	646	568	516	465
20	1700	1175	1075	900	850	705	700	640
22	3357	2195	2066	1678	1420	1046	1033	910
26	3679	2259	2079	1704	1549	1291	1188	1110
31	6455	3873	3550	3034	2776	2182	2130	1904
	150	200	250	300	400	500		
12	120	105	98	90	78	70		
13	136	116	101	96	80	70		
14	161	142	127	116	98	93		
17	260	230	210	192	118	155		
18	336	290	239	232	213	187		
19	374	323	290	258	219	207		
20	540	480	440	405	342	320		
22	749	633	523	497	432	368		
26	852	749	665	607	503	465		
31	1549	1323	1162	1065	878	813		

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 1 psig, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE IX
Table 12-15A
Maximum Capacity of CSST in Liters of Gas per Second for Gas Pressure of 34.5 kPa and Pressure Drop of 24.2 kPa (Based on 0.60 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (m)					
	3.00	7.62	9.00	12.20	15.20	22.86
12	2.75	1.89	1.77	1.51	1.46	1.22
13	3.86	2.66	2.46	2.20	1.97	1.63
14	4.27	2.79	2.54	2.24	2.03	1.71
17	6.53	4.41	4.01	3.52	3.19	2.72
18	10.16	6.10	5.89	4.98	4.32	3.45
19	12.19	7.62	7.01	5.69	5.08	4.47
20	13.38	9.25	8.46	7.08	6.69	5.55
22	26.42	17.27	16.26	13.21	11.18	8.23
26	28.95	17.78	16.36	13.41	12.19	10.16
31	50.80	30.48	27.94	23.88	21.85	17.17
	24.40	30.50	45.70	60.90	76.20	91.40
12	1.19	1.10	0.94	0.83	0.77	0.71
13	1.56	1.42	1.07	0.91	0.79	0.76
14	1.57	1.47	1.27	1.12	1.00	0.91

EHD(2) Flow Designation	Tubing Length (ft)					
	17	18	19	20	22	26
17	2.68	2.44	2.05	1.81	1.65	1.51
18	3.40	3.15	2.64	2.28	1.88	1.83
19	4.06	3.66	2.94	2.54	2.28	2.03
20	5.51	5.04	4.25	3.78	3.46	3.19
22	8.13	7.16	5.89	4.98	4.12	3.91
26	9.35	8.74	6.71	5.89	5.23	4.78
31	16.76	14.98	12.19	10.41	9.14	8.38
	121.90	152.40				
12	0.61	0.55				
13	0.63	0.55				
14	0.77	0.73				
17	0.93	1.22				
18	1.68	1.47				
19	1.72	1.63				
20	2.69	2.52				
22	3.40	2.90				
26	3.96	3.66				
31	6.91	6.40				

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 6.9 kPa, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE X
Table 12-16
Maximum Capacity of CSST in Cubic Feet per Hour of Undiluted Liquefied Petroleum Gases at a Pressure of 11 in. WC and Pressure Drop of 0.5 in. WC (Based on 1.52 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (ft)							
	5	10	15	20	25	30	40	50
12	30	21	16	13	12	11	9	8
13	31	21	18	14	13	11	9	9
14	44	33	27	23	21	19	18	17
17	73	53	44	39	35	31	26	25
18	81	57	47	41	36	34	28	26
19	90	64	50	44	40	36	31	28
20	157	106	82	69	66	60	50	45
22	162	109	84	73	66	60	50	47
26	211	146	109	101	91	81	69	62
31	365	251	203	175	154	142	117	106
	60	70	80	90	100	150		
12	7	7	6	6	4	3		
13	8	7	7	6	6	4		
14	16	15	14	13	12	9		
17	21	20	18	17	14	12		
18	23	23	22	19	14	13		
19	25	25	23	23	22	18		
20	38	35	30	29	26	18		
22	38	35	33	31	28	23		
26	55	52	48	47	45	42		
31	96	89	81	80	74	67		

	200	250	300
12	-	-	-
13	3	3	0
14	6	5	3
17	10	9	6
18	10	9	8
19	14	11	9
20	14	11	9
22	19	17	14
26	38	31	30
31	60	47	45

(1) Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2) EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE XI
Table 12-16A

Maximum Capacity of CSST in Liters of Gas per Second of Undiluted Liquefied Petroleum Gases at a Pressure of 279.44 mm WC and Pressure Drop of 12.7 mm WC (Based on 1.52 Specific Gravity Gas)(1)

EHD(2) Flow Designation	Tubing Length (m)					
	1.50	3.00	4.60	6.00	7.60	9.00
12	0.24	0.17	0.12	0.10	0.09	0.08
13	0.25	0.17	0.14	0.11	0.10	0.09
14	0.35	0.26	0.21	0.18	0.17	0.15
17	0.57	0.42	0.35	0.31	0.27	0.25
18	0.64	0.45	0.37	0.32	0.29	0.27
19	0.71	0.50	0.39	0.35	0.31	0.29
20	1.24	0.83	0.64	0.54	0.52	0.47
22	1.28	0.86	0.66	0.57	0.52	0.47
26	1.66	1.15	0.86	0.80	0.72	0.64
31	2.87	1.98	1.60	1.37	1.21	1.12
12.20	15.20	18.30	21.30	24.40	27.40	
12	0.07	0.06	0.05	0.05	0.04	0.04
13	0.07	0.07	0.06	0.05	0.05	0.05
14	0.14	0.13	0.12	0.12	0.11	0.10
17	0.21	0.19	0.17	0.16	0.14	0.13
18	0.22	0.20	0.18	0.18	0.17	0.15
19	0.24	0.22	0.20	0.19	0.18	0.18
20	0.40	0.36	0.30	0.27	0.24	0.23
22	0.40	0.37	0.30	0.28	0.26	0.24
26	0.54	0.48	0.44	0.41	0.38	0.37
31	0.92	0.84	0.75	0.70	0.64	0.63
30.50	45.70	60.90	76.20	91.40		
12	0.03	0.02	-	-	-	
13	0.04	0.03	0.02	0.02	-	
14	0.09	0.07	0.05	0.04	0.02	
17	0.11	0.09	0.08	0.07	0.05	
18	0.11	0.10	0.08	0.07	0.06	
19	0.17	0.14	0.11	0.09	0.07	
20	0.21	0.14	0.11	0.09	0.07	
22	0.22	0.18	0.15	0.13	0.11	
26	0.36	0.33	0.30	0.24	0.24	
31	0.58	0.52	0.47	0.37	0.35	

(1) Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings

should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2) EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

Chapter 13, Section 1310 (g) is amended as follows:

"(g) When a water heater is located in an attic or furred space where damage may result from a leaking water heater, a watertight pan of corrosion resistant materials shall be installed beneath the water heater with a minimum one and one-half (1-1/2) inch diameter drain to an approved location."

(2) Local Amendments

City of Logan

City of Logan adopted Appendix H.

City of Orem

City of Orem adopted Appendix A.

City of West Jordan

City of West Jordan adopted Appendix A, Appendix B, Appendix D, Appendix E and Appendix I.

KEY: contractors, building codes, building inspection, licensing 1998

58-1-106(1)

Notice of Continuation June 3, 1997

58-1-202(1)

58-56-1

58-56-4(2)

58-56-6(2)(a)

Commerce, Occupational and Professional Licensing
R156-56-706
Amendments to the IPC

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 20988

FILED: 04/14/98, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After a public hearing and comments received, the Division is filing a new, separate rule filing for this amendment to the International Plumbing Code (IPC) so it may be considered individually.

SUMMARY: Section 403.2.1 is added which requires specific fixture heights for lavatories, counters, water closet seat height, and urinal lip height for nurseries, daycare facilities, and schools for children six years of age and younger. Individual family dwellings are exempt from the fixture heights.

(DAR Note: Four additional amendments are being made to Section R156-56-706 under DAR No. 20987, DAR No. 20989, DAR No. 20990, and DAR No. 20991, all of which are in this *Bulletin*. The Division of Occupational and

Professional Licensing plans to combine these amendments once they become effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None .
 - ❖OTHER PERSONS: None - There will be no cost differential as these requirements already exist in the Uniform Plumbing Code and the rules of the Department of Health. This amendment just brings the newly adopted International Plumbing Code to the same requirements.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost differential as these requirements already exist in the Uniform Plumbing Code and the rules of the Department of Health. This amendment just brings the newly adopted International Plumbing Code to the same requirements.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/98, 9:00 a.m., North Conference Room, First Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-706. Amendments to the IPC.**

Section 403.2.1 is added as follows:

403.2.1 Fixture height. In nurseries, daycare facilities and schools, separate facilities shall be provided for children six years of age and younger. Such facilities shall meet the following requirements.

1. Lavatories shall be located a maximum of 22 inches above the floor. Counters containing such lavatories shall be a maximum of 20 inches deep, front to back.

2. Water closet seat height shall be a maximum of 11 inches high.

3. Urinal lip height, if provided, shall be a maximum of 17 inches above the floor.

Exception: Individual family dwellings.

KEY: contractors, building codes, building inspection, licensing
[January 1,]1998 **58-1-106(1)**
Notice of Continuation June 3, 1997 **58-1-202(1)**
58-56-1
58-56-4(2)
58-56-6(2)(a)

◆ ————— ◆
**Commerce, Occupational and
Professional Licensing
R156-56-706
Amendments to the IPC**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE No.: 20989
FILED: 04/14/98, 12:48
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Department of Health requested the Division and Uniform Building Code Commission to file an amendment to the International Plumbing Code regarding gray water.

SUMMARY: Added Section 612 to the International Plumbing Code (IPC) which provides that Appendix C of the IPC, Gray Water Recycling Systems, cannot be adopted by any jurisdiction until January 1, 1999.

(DAR Note: Four additional amendments are being made to Section R156-56-706 under DAR No. 20987, DAR No. 20988, DAR No. 20990, and DAR No. 20991, all of which are in this *Bulletin*. The Division of Occupational and Professional Licensing plans to combine these amendments once they become effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None .
 - ❖OTHER PERSONS: None - The use of gray water was prohibited in the Uniform Plumbing Code that had been in effect prior to the adoption of the International Plumbing Code. This addition delays implementation of Gray Water Recycling Systems by any jurisdiction until January 1, 1999.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None - The use of gray water was prohibited in the Uniform Plumbing Code

that had been in effect prior to the adoption of the International Plumbing Code. This addition delays implementation of Gray Water Recycling Systems by any jurisdiction until January 1, 1999.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/98, 9:00 a.m., North Conference Room, First Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.**

R156-56-706. Amendments to the IPC.

Section 612 is added as follows:

612. Gray Water

Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, 1999.

**KEY: contractors, building codes, building inspection, licensing
[January 1,]1998**

Notice of Continuation June 3, 1997

	58-1-106(1)
	58-1-202(1)
	58-56-1
	58-56-4(2)
	58-56-6(2)(a)

Commerce, Occupational and
Professional Licensing
R156-56-706
Amendments to the IPC

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 20990

FILED: 04/14/98, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After a public hearing and comments received, the Division is filing a new, separate rule filing for this amendment to the International Plumbing Code (IPC) so it may be considered individually.

SUMMARY: Added the following at the end of Section 608.14.4.2: "In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used."

(**DAR Note:** Four additional amendments are being made to Section R156-56-706 under DAR No. 20987, DAR No. 20988, DAR No. 20989, and DAR No. 20991, all of which are in this *Bulletin*. The Division of Occupational and Professional Licensing plans to combine these amendments once they become effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None .
- ❖OTHER PERSONS: This amendment will initially result in an increased cost of individual outside hose faucets but will save 10 times that cost in protection against freezing and replacement due to freezing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment will initially result in an increased cost of individual outside hose faucets but will save 10 times that cost in protection against freezing and replacement due to freezing.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/98, 9:00 a.m., North Conference Room, First Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-706. Amendments to the IPC.**

Section 608.15.4.2 - The following is added at the end of the paragraph: In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

KEY: contractors, building codes, building inspection, licensing
[January 1,]1998 58-1-106(1)
Notice of Continuation June 3, 1997 58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)



**Commerce, Occupational and Professional Licensing
R156-56-706
Amendments to the IPC**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 20991
FILED: 04/14/98, 12:48
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After a public hearing and comments received, the Division is filing a new, separate rule filing for this amendment to the International Plumbing Code (IPC) so it may be considered individually.

SUMMARY: Section 917.2 of the International Plumbing Code is deleted and replaced with the following: "The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed."

(DAR Note: Four additional amendments are being made to Section R156-56-706 under DAR No. 20987, DAR No. 20988, DAR No. 20989, and DAR No. 20990, all of which are in this *Bulletin*. The Division of Occupational and Professional Licensing plans to combine these amendments once they become effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None - This change requires inspection of the installation of air admittance valves by a local plumbing inspector. There should be no or little fiscal impact as the inspection can be made at the same time that other required plumbing inspections are made.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None - This change requires inspection of the installation of air admittance valves by a local plumbing inspector. There should be no or little fiscal impact as the inspection can be made at the same time that other required plumbing inspections are made.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/98, 9:00 a.m., North Conference Room, First Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-706. Amendments to the IPC.**

Section 917.2 is deleted and replaced with the following:
917.2 Installation. The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

KEY: contractors, building codes, building inspection, licensing
[January 1,]1998 58-1-106(1)
Notice of Continuation June 3, 1997 58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)



Commerce, Occupational and Professional Licensing
R156-60a
Social Worker Licensing Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20992

FILED: 04/14/98, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Changes to the rules are being proposed as a result of H.B. 441, which includes amendments made to the Mental Health Professional Practice Act, Title 58, Chapter 60, Part I during the 1998 legislative session.

(DAR Note: H.B. 441 is found at 1998 Utah Laws 311, and will be effective May 4, 1998.)

SUMMARY: Added definitions for "earned a masters or doctoral degree in a discipline which is a prerequisite for licensure under this chapter" and "temporary certificate". Defined the prerequisite education requirements for the issuance of a temporary certificate or license for a licensed clinical social worker (LCSW). Changed wording throughout the rule to the abbreviations SSW (licensed social service worker), CSW (licensed certified social worker), and LCSW. Changes were made in examination requirements section: additional examination options were added for applicants for licensure as a CSW and a passing score of 75% was added to the Utah Social Work Law, Rules and Ethics Examination. The section on endorsement (Section R156-60a-305) was deleted in its entirety as a section regarding endorsement was added to Title 58, Chapter 60, Part I.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-60-201, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Reduction in state budget of approximately \$25 per applicant as a result of the applicant not being required to make two separate applications, one for CSW and one for LCSW (\$25 x 100 anticipated applicants in a year = \$2,500 per year).

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: There will be anticipated savings to each applicant for temporary license as a LCSW as follows: (1) the applicant will only be required to take one examination instead of two with a savings of \$110 (\$110 x 100 anticipated applicants in a year = \$11,000 per year); (2) the applicant will only be required to purchase one examination study guide (which is an optional purchase) instead of two examination study guides at a savings of \$25 per applicant (\$25 x 100 anticipated applicants in a year = \$2,500); (3) the applicant will only be required to pay one license application fee of \$75 instead of two application fees less the added cost for a one

time temporary license of \$50 for a net savings of \$25 per applicant (\$25 x 100 anticipated applicants per year = \$2,500).

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be anticipated savings to each applicant for temporary license as a LCSW as follows: (1) the applicant will only be required to take one examination instead of two with a savings of \$110; (2) the applicant will only be required to purchase one examination study guide (which is an optional purchase) instead of two examination study guides at a savings of \$25 per applicant; (3) the applicant will only be required to pay one license application fee of \$75 instead of two application fees less the added cost for a one time temporary license of \$50 for a net savings of \$25 per applicant.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/07/98, 11:00 a.m., Room 205, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-60a. Social Worker Licensing Act Rules.
R156-60a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or these rules:

(1) "AASSWB" means the American Association of State Social Work Boards."

(2) "CSW" means a licensed certified social worker.

(3) "Clinical social work concentration and practicum", "clinical concentration and practicum" "case work", "group work", or "family treatment course sequence with a clinical practicum", "clinical practicum" or "practicum", as used in Subsections 58-60-205(1)(g) and (2)(d)(ii), means a track of professional education which is specifically established to prepare an individual to practice or engage in mental health therapy.

(4) "Earned a masters or doctoral degree in a discipline which is a prerequisite for licensure under this chapter", as used in Subsection 58-60-107(7) and 58-60-116(1)(b), means completion

of the education requirements set forth in Subsections 58-60-205(1)(d) and (g) and Subsection R156-60a-102(3).

(~~4~~)⁵ "LCSW" means a licensed clinical social worker.

(~~5~~)⁶ "SSW" means a licensed social service worker.

(~~6~~)⁷ "Supervised practice of mental health therapy by a clinical social worker", as used in Subsection 58-60-202(3)(a), means that the ~~certified social worker~~CSW or LCSW-temporary is supervised by a ~~clinical social worker~~LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601.

(8) "Temporary certificate", as used in Section 58-60-116, means a temporary license issued by the division to practice as a LCSW-temporary under the supervision of a LCSW in accordance with Section 58-60-116 and Sections R156-60a-302c, R156-60a-302e and R156-60a-601.

R156-60a-302a. Education Requirements for Licensure as a SSW[ocial Service Worker].

In accordance with Subsection 58-60-205(3)(d)(ii), a master's degree qualifying an applicant for licensure as a ~~social service worker~~SSW shall be in a field of social work, psychology, marriage and family therapy, or professional counseling.

R156-60a-302b. Experience Requirements for Licensure as a SSW[ocial Service Worker].

In accordance with Subsection 58-60-205(3)(d)(iii) and (iv), the 2000 hours of supervised social work activity or the one year of qualifying experience for licensure as a ~~social service worker~~SSW shall:

(1) be performed as an employee of an agency providing social work services and activities; and

(2) be performed according to a written social work job description approved by the LCSW or CSW supervisor.

R156-60a-302c. Training Requirements for Licensure as a LCSW[Clinical Social Worker].

In accordance with Subsections 58-60-205(1)(d),(e),(f) and (g), and 58-60-202(3)(a), the 4000 hours of clinical social work and mental health therapy training qualifying an applicant for licensure as a ~~clinical social worker~~LCSW shall:

(1) be obtained after completion of the education requirement set forth in Subsections 58-60-205(d) and (g) and shall not include any clinical practicum hours obtained as part of the education program;

(2) be completed over a duration of not less than two years;

(3) ~~[after July 1, 1998, be completed while licensed as a certified social worker;~~

~~(4)~~ be completed while the CSW or LCSW-temporary is an employee of a public or private agency engaged in mental health therapy;

(~~5~~)⁴ be completed under a program of supervision by a ~~clinical social worker~~LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601; and

(~~6~~)⁵ include the following training requirements:

(a) individual, family, and group therapy;

(b) crisis intervention;

(c) intermediate treatment; and

(d) long term treatment.

R156-60a-302d. Examination Requirements[for Clinical Social Worker, Certified Social Worker, and Social Service Worker].

(1) In accordance with Subsection 58-60-205(1)(h), the examination requirements for licensure as a ~~clinical social worker~~LCSW include passing the ~~following~~:

~~(a) Utah Social Work Law, Rules and Ethics Examination; and~~

~~(b) National]Clinical Examination of the AASSWB or the Clinical Social Workers Examination of the State of California.~~

(2) In accordance with Subsection 58-60-205(2)(e), the examination requirements for licensure as a ~~certified social worker~~CSW shall include passing the ~~following~~:

~~(a) Utah Social Work Law, Rules and Ethics Examination; and~~

~~(b) National]Intermediate, Advanced, or Clinical Examination of the AASSWB.~~

(3) In accordance with Subsection 58-60-205(3)(e), the examination requirements for licensure as a ~~social service worker~~SSW shall include passing the ~~following~~:

~~(a) Utah Social Work Law, Rules and Ethics Examination; and~~

~~(b) National]Basic Examination of the AASSWB.~~

(4) In accordance with Section 58-1-309, all applicants for licensure as a SSW, CSW and LCSW shall pass the Utah Social Work Law, Rules and Ethics Examination with a passing score of 75%.

R156-60a-302e. Requirements to Become a [Clinical Social Worker]LCSW Supervisor.

In accordance with Subsections 58-60-202(2)(c), 58-60-202(3)(a) and 58-60-205(1)(e) and (f), in order for an LCSW to supervise a CSW or LCSW-temporary, the LCSW shall:

(1) be currently licensed in good standing as a ~~clinical social worker~~LCSW; and

(2) have engaged in active practice as a ~~licensed clinical social worker~~LCSW, including mental health therapy, for a period of not less than two years prior to supervising a CSW or LCSW-temporary.

R156-60a-304. Continuing Education Requirements [~~Clinical Social Workers]~~for LCSW.

In accordance with Subsection 58-60-105(1), the continuing education requirements for ~~clinical social workers~~LCSWs are defined, clarified and established as follows:

(1) During each two year period commencing January 1st of each even numbered year, a ~~clinical social worker~~LCSW shall be required to complete not less than 40 hours of continuing education.

(2) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Continuing education under this section shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training, and experience; and

(c) have a method of verification of attendance.

(4) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than 50 minutes in formally established classroom courses, seminars, lectures, conferences, or training sessions which are approved by, conducted by or under sponsorship of:

- (i) the National Association of Social Workers;
- (ii) mental health agencies;
- (iii) recognized universities and colleges; and
- (iv) professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of social work; and

(b) a maximum of ten hours per two year period may be recognized for teaching continuing education relevant to clinical social work or mental health therapy.

(5) A licensee is responsible to complete relevant continuing education, to document completion of the continuing education, and to maintain the records of the continuing education completed for a period of four years after close of the two year period to which the records pertain.

(6) A licensee who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing education requirements established under this section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

~~[R156-60a-305. — Endorsement — Equivalent Experience Requirement for Licensure as a Clinical Social Worker.~~

~~— In accordance with Section 58-1-302, the equivalent experience requirement for licensure as a clinical social worker by endorsement shall be satisfied if the applicant has engaged in active practice as a licensed clinical social worker for not less than two years immediately preceding the date of the application.]~~

R156-60a-308. Reinstatement of a [Clinical Social Work]LCSW License which has Expired Beyond Two Years.

In accordance with Subsection 58-1-308(6) and Section R156-1-308e, an applicant for reinstatement for licensure as a ~~[clinical social worker]~~LCSW, whose license expired after two years following the expiration of that license, shall:

(1) upon request, meet with the board to evaluate the applicant's ability to safely and competently practice clinical social work and mental health therapy;

(2) upon recommendation of the board, establish a plan of supervision under an approved supervisor which may include up to 4000 hours of clinical social work and mental health therapy training as a CSW or LCSW-temporary before qualifying for reinstatement of the ~~[clinical social worker]~~LCSW license;

(3) pass the Utah Social Work Law, Rules and Ethics Examination with a passing score of 75%;

(4) pass the ~~[National]~~Clinical Examination of the AASSWB if it is determined by the board that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice clinical social work and mental health therapy; and

(5) complete a minimum of 40 hours of continuing education in subjects determined by the board as necessary to ensure the applicant's ability to safely and competently practice clinical social work and mental health therapy.

R156-60a-309. Exemption from Licensure Clarified.

The exemption specified in Subsection 58-60-107(5) does not permit an individual to engage in the 4000 hours of clinical social work and mental health therapy training without first becoming licensed as a CSW or LCSW-temporary, except as provided in Subsection ~~[R156-60a-302c(3)]~~58-60-107(7).

R156-60a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) using the abbreviated title of LCSW unless licensed as a ~~[clinical social worker]~~LCSW;

(2) using the abbreviated title of CSW unless licensed as a ~~[certified social worker]~~CSW;

(3) using the abbreviated title of SSW unless licensed as a ~~[social service worker]~~SSW;

(4) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60a-302d and R156-60a-601.

(5) engaging in the supervised practice of mental health therapy as a licensed CSW or LCSW-temporary unless:

(a) the licensee has completed a clinical practicum as part of the Council on Social Work Education (CSWE) accredited master's degree program; and

(b) the scope of practice is otherwise within the licensee's competency, abilities and education;

(6) engaging in the supervised practice of mental health therapy when not in compliance with Subsections R156-60a-302c(4) and R156-60a-601(7);

(7) engaging in or aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;

(8) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(9) failing to establish and maintain professional boundaries with a client or former client;

(10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;

(11) engaging in sexual activities or sexual contact with a client with or without client consent;

(12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services when there is no risk of exploitation or potential harm to the client;

(13) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a personal relationship when there is a risk of exploitation or potential harm to the client;

(14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(15) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(16) failing to exercise professional discretion and impartial judgement required for the performance of professional activities, duties and functions;

(17) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(18) exploiting a client or former client for personal gain;

(19) exploiting a person who has a personal relationship with a client for personal gain;

(20) failing to maintain client records including records of assessment, treatment, progress notes and billing information for a period of not less than ten years from the documented termination of services to the client;

(21) failing to provide client records in a reasonable time upon written request of the client, or legal guardian;

(22) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client activities or records;

(23) failing to protect the confidences of other persons named or contained in the client records; and

(24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as adopted by the Delegate Assembly of August 1996, which is adopted and incorporated by reference.

R156-60a-601. Duties and Responsibilities of a ~~Clinical Social Worker~~ LCSW Supervisor.

The duties and responsibilities of a ~~clinical social worker~~ LCSW supervisor, are further defined, clarified or established as follows:

(1) be professionally responsible for the acts and practices of the CSW or LCSW-temporary;

(2) be engaged in a relationship with the CSW or LCSW-temporary in which the supervisor is independent from control by the CSW or LCSW-temporary and in which the ability of the supervisor to supervise and direct the practice of the CSW or LCSW-temporary is not compromised;

(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession;

(4) provide periodic review of the client records assigned to the CSW or LCSW-temporary;

(5) comply with the confidentiality requirements of Section 58-60-114;

(6) monitor the performance of the CSW or LCSW-temporary for compliance with laws, rules, standards and ethics applicable to the practice of social work;

(7) supervise only a CSW or LCSW-temporary who is an employee of a public or private mental health agency;

(8) supervise not more than three ~~CSWs and professional counselor trainees~~ individuals who are lawfully engaged in mental health therapy training, unless otherwise approved by the board;

(9) not begin supervision of a CSW or LCSW-temporary until having met the requirements of Section R156-60a-302e; and

(10) in accordance with Subsections 58-60-205(1)(e) and (f), submit to the division on forms made available by the division:

(a) documentation of the training hours completed by the CSW or LCSW-temporary; and

(b) an evaluation of the CSW or LCSW-temporary, with respect to the quality of the work performed and the competency of the CSW or LCSW-temporary to practice clinical social work and mental health therapy.

R156-60a-602. Supervision - Scope of Practice - ~~SSW~~ Social Service Worker.

In accordance with Subsections 58-60-202(4) and (5), supervision and scope of practice of a SSW is further defined, clarified and established as follows:

(1) supervision of an SSW by a licensed mental health therapist is only required where mental health therapy services are provided; and

(2) the scope of practice of the SSW shall be in accordance with a written social work job description approved by the licensed mental health therapy supervisor, except that the ~~social service worker~~ SSW may not engage in the supervised or unsupervised practice of mental health therapy.

KEY: licensing, social workers

~~May 2, 1997~~ 1998

58-60-201

58-1-106(1)

58-1-202(1)



Commerce, Occupational and Professional Licensing
R156-67-302d
Qualifications for Licensure - Examination Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 20974

FILED: 04/07/98, 17:29

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After further review, the Division found that information concerning a controlled substance law and rule examination did not need to be in the Utah Medical Practice Act Rules as the Controlled Substance Rules (Section R156-37-304) requires each applicant applying for a controlled substance license to pass a law/rule examination. The controlled substance examination requirement does not apply to all physicians/surgeons, only those who have applied for a controlled substance license in Utah.

SUMMARY: Deleted reference to the Utah Physician Controlled Substance Examination as it is already required in

Section R156-37-304 for those physicians/surgeons obtaining a controlled substance license in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-67-101 and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: None - The Division has determined there is no costs or savings impact as a result of this change as the controlled substance law/rule examination is still required in Section R156-37-304. The controlled substance law/rule examination requirement was duplicated in this rule.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None - The Division has determined there is no costs or savings impact as a result of this change as the controlled substance law/rule examination is still required in Section R156-37-304. The controlled substance law/rule examination requirement was duplicated in this rule.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
 Occupational and Professional Licensing
 Fourth Floor, Heber M. Wells Building
 160 East 300 South
 PO Box 146741
 Salt Lake City, UT 84114-6741, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO: Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-67. Utah Medical Practice Act Rules.
R156-67-302d. Qualifications for Licensure - Examination Requirements.

- (1) In accordance with Subsection 58-67-302(1)(g), the required licensing examination sequence is the following:
 - (a) the FLEX components I and II on which the applicant shall have achieved a score of not less than 75 on each component part; or
 - (b) the NBME examination parts I, II, and III on which the applicant shall achieve a passing score of not less than 75 on each part; or
 - (c) the USMLE, steps 1, 2 and 3 on which the applicant shall achieve a score of not less than 75 on each step; or

- (d) the LMCC examination, Parts 1 and 2; or
- (e) the NBME part I or the USMLE step 1 and the NBME part II or the USMLE step 2 and the NBME part II or the USMLE step 3; or
- (f) the FLEX component 1 and the USMLE step 3; or
- (g) the NBME part I or the USMLE step 1 and the NBME part II or the USMLE step 2 and the FLEX component 2; ~~and~~
- ~~(h) the Utah Physician Controlled Substance Examination with a passing score of at least 75].~~

([i](h)) In addition all applicants who are foreign medical graduates shall pass the FMGEMS unless they pass the USMLE steps 1 and 2.

(2) In accordance with Subsection 58-67-302(2)(c), the passing score on the SPEX examination is at least a score of 75.

(3) In accordance with Subsection 58-67-302(2)(c), the medical specialty certification shall be in a ABMS member specialty board.

KEY: physicians, licensing
[March 4, 1997]1998

58-67-101
58-1-106(1)
58-1-202(1)



Commerce, Occupational and
 Professional Licensing
R156-68-302b
 Qualifications for Licensure -
 Examination Requirements

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 20975
 FILED: 04/07/98, 17:29
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After further review, the Division found that information concerning a controlled substance law and rule examination did not need to be in the Osteopathic Medical Practice Act Rules as the Controlled Substance Rules (Section R156-37-304) requires each applicant applying for a controlled substance license to pass a law/rule examination. The controlled substance examination requirement does not apply to all osteopathic physicians, only those who have applied for a controlled substance license in Utah.

SUMMARY: Deleted reference to the Utah Physician Controlled Substance Examination as it is already required in Section R156-37-304 for those osteopathic physicians obtaining a controlled substance license in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-68-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: None - The Division has determined there is no costs or savings impact as a result of this change as the controlled substance law/rule examination is still required in Section R156-37-304. The controlled substance law/rule examination requirement was duplicated in this rule.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None - The Division has determined there is no costs or savings impact as a result of this change as the controlled substance law/rule examination is still required in Section R156-37-304. The controlled substance law/rule examination requirement was duplicated in this rule.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-68. Utah Osteopathic Medical Practice Act Rules.
R156-68-302b. Qualifications for Licensure - Examination Requirements.

- (1) In accordance with Subsection 58-68-302(1)(g), the required licensing examination sequence is the following:
- (a) the NBOME parts I, II and III; or
 - (b) the NBOME parts I, II and the NBOME COMPLEX Level III; or
 - (c) the NBOME part I and the NBOME COMPLEX Level II and III; or
 - (d) the NBOME COMPLEX Level I, II and III; or
 - (e) the FLEX components I and II on which the applicant shall achieve a score of not less than 75 on each component; or
 - (f) the NBME examination parts I, II and III on which the applicant shall achieve a score of not less than 75 on each part; or

- (g) the USMLE, steps 1, 2 and 3 on which the applicant shall achieve a score of not less than 75 on each step; or
- (h) the LMCC examination, Parts 1 and 2; or
- (i) the NBME part I or the USMLE step 1 and the NBME part II or the USMLE step 2 and the NBME part II or the USMLE step 3; or
- (j) the FLEX component 1 and the USMLE step 3; or
- (k) the NBME part I or the USMLE step 1 and the NBME part II or the USMLE step 2 and the FLEX component 2[~~and~~ ~~(l) the Utah Physician Controlled Substance Examination with a passing score of at least 75].~~
- (2) In accordance with Subsection 58-68-302(2)(c), the passing score on the SPEX examination is at least a score of 75.
- (3) In accordance with Subsection 58-68-302(2)(c), the medical specialty certification shall be current certification in an AOA or ABMS member specialty board.

KEY: osteopaths, licensing, osteopathic physician*
~~[October 24, 1996]~~1998 **58-1-106(1)**
58-1-202(1)
58-68-101

◆ ————— ◆

Environmental Quality, Drinking Water **R309-113** Drinking Water Source Protection

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 20977
FILED: 04/08/98, 13:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Since the Drinking Water Source Protection Rule was revised in July 1995, we have identified several more revisions that we believe will improve the rule and, in most cases, ease the burden on public water systems (PWSs).

SUMMARY: Proposed revisions would allow the following: 1) public water systems (PWSs) to also assess potential contamination sources as "adequately controlled" by best management/pollution prevention practices, physical controls, and negligible quantity controls in addition to the regulatory controls which are already allowed; 2) controlled potential contamination sources within zone one of new wells; 3) replacement wells to be classified as existing wells rather than new wells, eliminating the requirement for land use agreements; and 4) the Division of Drinking Water to conditionally concur with plans and reports and require the PWS to report compliance the next time the plan is due. Proposed revisions would also delete the requirement for management sections to be included in Preliminary Evaluation Reports. The revisions also define sewer line set back distances. Specially constructed sewer lines within

zone one are permitted no closer than 10 feet from the well, if there is at least 5 feet of suitable, unsaturated soil beneath the lines. If this criteria cannot met, sewer lines are permitted no closer than 300 feet from the well and must be specially constructed within zone two. Additionally, use and susceptibility waivers for Volatile Organic Compounds (VOCs) and pesticides must be addressed in the source protection plan, if a PWS wishes to apply for them. Other revisions are less significant, nonsubstantive, or further clarify the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 19-4-104(1)(a)(iv)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: \$50,000 to \$100,000 savings to public water systems.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: \$100 to \$200 savings per drinking water source protection plan.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Drinking Water
150 North 1950 West
PO Box 144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Sumner Newman at the above address, by phone at (801) 536-4200, by FAX at (801) 536-4211, or by Internet E-mail at snewan@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/12/98

AUTHORIZED BY: Dianne R. Nielson, Executive Director

**R309. Environmental Quality, Drinking Water.
R309-113. Drinking Water Source Protection.**

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R309-113-2. Purpose.

Public Water Systems (PWSs) are responsible for protecting their sources of drinking water from contamination. R309-113 sets forth minimum requirements to establish a uniform, statewide program for implementation by PWSs to protect their ground-water sources of drinking water. PWSs are encouraged to enact more stringent programs to protect their sources of drinking water if they decide they are necessary.

R309-113 applies to all ground-water sources of drinking water which are used by PWSs to supply their systems except sources which are under the direct influence of surface water and are treated in accordance with surface water treatment rules (refer to R309-206 through R309-208). Additionally, compliance with this rule is voluntary for existing ground-water sources of drinking water which are used by public (transient) non-community water systems.

R309-113-3. Implementation.

(1) New Ground[-]Water Sources - Each PWS shall submit a Preliminary Evaluation Report (PER) [~~or a Drinking Water Source Protection (DWSP) Plan~~] in accordance with R309-113-13(2) [~~or R309-113-7(1)~~] for each of its new ground-water sources to the Division of Drinking Water (DDW).

(2) Existing Ground[-]Water Sources - Each PWS shall submit a Drinking Water Source Protection (DWSP) Plan in accordance with R309-113-7(1) for each of its existing ground-water sources to DDW according to the following schedule. Well fields or groups of springs may be considered to be a single source.

TABLE 1

Population Served By PWS:	Percent Of Sources:	DWSP Plans Due By:
Over 10,000	50% of wells	December 31, 1995
Over 10,000	100% of wells	December 31, 1996
3,300-10,000	100% of wells	December 31, 1997
Less than 3,300	100% of wells	December 31, 1998
Springs and other sources	100%	December 31, 1999

(3) PWSs shall maintain all land use agreements which were established under previous rules to protect their ground-water sources of drinking water from contamination. Additionally, PWSs shall maintain land ownership and land-use agreements established under previous rules with new owners which prohibit these new owners from locating pollution sources within protection zones.

R309-113-4. Exceptions.

(1) Exceptions to the requirements of R309-113 or parts thereof may be granted by the Executive Secretary to PWSs if: due to compelling factors (which may include economic factors), a PWS is unable to comply with these requirements, and the granting of an exception will not result in an unreasonable risk to health.

(2) [~~Within one year of granting an exception, the~~] The Executive Secretary may prescribe a schedule by which the PWS must come into compliance with the requirements of R309-113.

R309-113-5. Designated Person.

(1) A designated person shall be appointed and reported in writing to the Executive Secretary by each PWS within 180 days of the effective date of R309-113. The designated person's address and telephone number shall be included in the written correspondence. Additionally, the above information must be included in each DWSP Plan and PER that is submitted to DDW.

(2) Each PWS shall notify the Executive Secretary in writing within 30 days of any changes in the appointment of a designated person.

R309-113-6. Definitions.

(1) The following terms are defined for the purposes of this rule:

(a) "Collection area" means the area surrounding a ground-water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground-water collection devices.

(b) "Controls" means the codes, ordinances, rules, and regulations currently in effect to regulate a potential contamination source.

(c) "Criteria" means the conceptual standards that form the basis for DWSP area delineation to include distance, ground-water time of travel, aquifer boundaries, and ground-water divides.

(d) "Criteria threshold" means a value or set of values selected to represent the limits above or below which a given criterion will cease to provide the desired degree of protection.

(e) "DDW" means Division of Drinking Water.

(f) "DWSP Program" means the program to protect drinking water source protection zones and management areas from contaminants that may have an adverse effect on the health of persons.

(g) "DWSP Zone" means the surface and subsurface area surrounding a ground-water source of drinking water supplying a PWS, through which contaminants are reasonably likely to move toward and reach such ground-water source.

(h) "Designated person" means the person appointed by a PWS to ensure that the requirements of R309-113 are met.

(i) "Executive Secretary" means the individual authorized by the Drinking Water Board to conduct business on its behalf.

(j) "Existing ground-water source of drinking water" means a public supply ground-water source for which plans and specifications were submitted to DDW on or before July 26, 1993.

(k) "Ground-water Source" means any well, spring, tunnel, adit, or other underground opening from or through which ground-water flows or is pumped from subsurface water-bearing formations.

(l) "Hydrogeologic methods" means the techniques used to translate selected criteria and criteria thresholds into mappable delineation boundaries. These methods include, but are not limited to, arbitrary fixed radii, analytical calculations and models, hydrogeologic mapping, and numerical flow models.

(m) "Land management strategies" means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(n) "Land use agreement" means a written agreement wherein the owner(s) agrees not to locate or allow the location of uncontrolled potential contamination sources or pollution sources within zone one of new wells in protected aquifers. The owner(s) must also agree not to locate or allow the location of pollution sources within zone two of new wells in unprotected aquifers and new springs unless the pollution source agrees to install design standards which prevent contaminated discharges to ground water. This restriction must be binding on all heirs, successors, and assigns. Land use agreements must be recorded with the property

description in the local county recorder's office. Refer to R309-113-13(~~4~~)(d).

Land use agreements for protection areas on publicly owned lands need not be recorded in the local county recorder office. However, a letter must be obtained from the Administrator of the land in question and meet the requirements described above.

(o) "Management area" means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area.

For wells, land may be excluded from the DWSP management area at locations where it is more than 100 feet lower in elevation than the total drilled depth of the well.

For springs and tunnels, the DWSP management area is all land at elevation equal to or higher than, and within a two-mile radius, of the spring or tunnel collection area. The DWSP management area also includes all land lower in elevation than, and within 100 horizontal feet, of the spring or tunnel collection area. The elevation datum to be used is the point of water collection. Land may also be excluded from the DWSP management area at locations where it is separated from the ground-water source by a surface drainage which is lower in elevation than the spring or tunnel collection area.

(p) "New ground-water source of drinking water" means a public supply ground-water source of drinking water for which plans and specifications are submitted to DDW after July 26, 1993.

(q) "Nonpoint source" means any conveyance not meeting the definition of point source.

(r) "PWS" means public water system.

(s) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(t) "Pollution source" means point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions are part of R309-113 and clarify the meaning of "pollution source:"

(i) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(ii) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(iii) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 550-B-96-015[EPA 560/4-91-011]). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at <http://www.epa.gov/ncepihom/orderpub.html>. [Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 45212.]

(u) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(v) "Protected aquifer" means a producing aquifer in which the following conditions are met:

(i) A naturally protective layer of clay, at least 30 feet in thickness, is present above the aquifer;

(ii) the PWS provides data to indicate the lateral continuity of the clay layer to the extent of zone two; and

(iii) the public-supply well is grouted with a grout seal that extends from the ground surface down to at least 100 feet below the surface, and through the protective clay layer.

(w) "Replacement well" means a public-supply well drilled for the sole purpose of replacing an existing public-supply well which is impaired or made useless by structural difficulties and in which the following conditions are met:

(i) no new right in the use of water accrues;

(ii) the proposed well location shall be within a radius of 150 feet from an existing ground-water supply well, as defined in R309-113-6(1)(j);

(iii) the PWS provides a copy of the replacement application approved by the State Engineer (refer to Section 73-3-28 of the Utah Code Annotated); and

(iv) the existing well(s) that is being replaced must be permanently abandoned in accordance with R655-4-7.12 and R655-4-12 through R655-4-12.12.

([w]x) "Time of travel" means the time required for a particle of water to move in the [saturated zone]producing aquifer from a specific point to a ground-water source of drinking water.

([x]y) "Unprotected aquifer" means any aquifer that does not meet the definition of a protected aquifer.

([y]z) "Wellhead" means the physical structure, facility, or device at the land surface from or through which ground[-]water flows or is pumped from subsurface, water-bearing formations.

R309-113-7. DWSP Plans.

(1) Each PWS shall develop, submit, and implement a DWSP Plan for each of its ground-water sources of drinking water. [~~These DWSP Plans may be used to support use and susceptibility waivers for pesticides and volatile organic chemicals (VOCs). For the purposes of a waiver, the plan must identify contaminants that may~~

~~result from potential contamination sources found in zones one, two, and three and management areas. Refer to Chapter Seven of the "Source Protection User's Guide." This guide may be obtained from DDW.]~~

Required Sections for DWSP Plans - DWSP Plans should be developed in accordance with the "Standard Report Format for Existing Wells and Springs." This document may be obtained from DDW. DWSP Plans must include the following seven sections:

(a) DWSP Delineation Report - A DWSP Delineation Report in accordance with R309-113-9(5) is the first section of a DWSP Plan.

(b) Potential Contamination Source Inventory and Assessment of Controls - A Prioritized Inventory of Potential Contamination Sources and an assessment of their controls in accordance with R309-113-10 is the second section of a DWSP Plan.

(c) Management Program to Control Each Preexisting Potential Contamination Source - A Management Program to Control Each Preexisting Potential Contamination Source in accordance with R309-113-11 is the third section of a DWSP Plan.

(d) Management Program to Control or Prohibit Future Potential Contamination Sources for Existing Drinking Water Sources - A Plan for Controlling or Prohibiting Future Potential Contamination Sources is the fourth section of a DWSP Plan. This must be in accordance with R309-113-12, consistent with the general provisions of this rule, and implemented to an extent allowed under the PWS's authority and jurisdiction. [~~A land ownership map in accordance with R309-113-13-(2)(c) is required for new ground-water sources of drinking water.]~~

(e) Implementation Schedule - Each PWS shall develop a step-by-step implementation schedule which lists each of its proposed land management strategies with an implementation date for each strategy.

(f) Resource Evaluation - Each PWS shall assess the financial and other resources which may be required for it to implement each of its DWSP Plans and determine how these resources may be acquired.

(g) Recordkeeping - Each PWS shall document changes in each of its DWSP Plans as they are continuously updated to show current conditions in the protection zones and management areas. As a DWSP Plan is executed, the PWS shall document any land management strategies that are implemented. These documents may include any of the following: ordinances, codes, permits, memoranda of understanding, public education programs, and so forth.

(2) DWSP Plan Administration - DWSP Plans shall be submitted, corrected, retained, implemented, updated, and revised according to the following:

(a) Submitting DWSP Plans - Each PWS shall submit a DWSP Plan to DDW in accordance with the schedule in R309-113-3(2) for each of its ground-water sources of drinking water.

(b) Correcting Deficiencies - Each PWS shall correct any deficiencies in a disapproved DWSP Plan and resubmit it to DDW within 90 days of the disapproval date.

(c) Retaining DWSP Plans - Each PWS shall retain on its premises a current copy of each of its DWSP Plans. DWSP Plans shall be made available to the public upon request.

(d) Implementing DWSP Plans - Each PWS shall begin implementing each of its DWSP Plans in accordance with its

schedule in R309-113-7(1)(e), within 180 days after submittal if they are not disapproved by DDW.

(e) Updating and Resubmitting DWSP Plans - Each PWS shall update its DWSP Plans as often as necessary to ensure they show current conditions in the DWSP zones and management areas. Updated plans also document the implementation of land management strategies in the recordkeeping section. DWSP Plans are initially due according to the schedule in R309-113-3. Thereafter, updated DWSP Plans are due every six years from their original due date. This applies even though a PWS may have been granted an extension beyond the original due date. [and resubmit them to DDW at least every six years.]

(f) Revising DWSP Plans - Each PWS shall submit a revised DWSP Plan to DDW within 180 days after the reconstruction or redevelopment of any ground-water source of drinking water which addresses changes in source construction, source development, hydrogeology, delineation, potential contamination sources, and proposed land management strategies.

R309-113-8. DWSP Plan Review.

(1) DDW shall review each DWSP Plan submitted by PWSs and "concur[²]," "concur with recommendations[²]," "conditionally concur" or "disapprove" the plan.

(2) DDW may "disapprove" DWSP Plans for any of the following reasons:

(a) An inaccurate DWSP Delineation Report, a report that uses a non-applicable delineation method, or a DWSP Plan that is missing this report or any of the information and data required in it (refer to R309-113-9(5));

(b) an inaccurate Prioritized Inventory of Potential Contamination Sources or a DWSP Plan that is missing this report or any of the information required in it (refer to R309-113-10(1));

(c) an inaccurate assessment of current controls or a DWSP Plan that is missing this assessment or any of the information required in it (refer to R309-113-10([4]2));

(d) a missing Management Program to Control Each Preexisting Potential Contamination Source which has been assessed as "not adequately controlled" by the PWS (refer to R309-113-11(1));

(e) a missing Management Program to Control or Prohibit Future Potential Contamination Sources [~~for Existing or New Drinking Water Sources~~] (refer to R309-113-12 [~~and R309-113-13(4)~~]);

(f) a missing Implementation Schedule, Resource Evaluation, Recordkeeping Section, or Contingency [Report]Plan (refer to R309-113-7(1)(e)-(g) and R309-113-14).

(3) DDW may "concur with recommendations" when PWSs propose management programs to control preexisting potential contamination sources or management programs to control or prohibit future potential contamination sources for existing or new drinking water sources which appear inadequate or ineffective.

(4) DDW may "conditionally concur" with a DWSP Plan or PER. The PWS must implement the conditions and report compliance the next time the DWSP Plan is due and submitted to DDW.

R309-113-9. Delineation of Protection Zones and Management Areas.

(1) PWSs shall delineate protection zones or a management area around each of their ground-water sources of drinking water using the Preferred Delineation Procedure or the Optional Two-mile Radius Delineation Procedure. The hydrogeologic method used by PWSs shall produce protection zones or a management area in accordance with the criteria thresholds below. PWSs may also choose to verify protected aquifer conditions to reduce the level of management controls applied in applicable protection areas.

(2) Criteria Thresholds for Ground-water Sources of Drinking Water:

(a) Preferred Delineation Procedure - Four zones are delineated for management purposes:

(i) Zone one is the area within a 100-foot radius from the wellhead or margin of the collection area.

(ii) Zone two is the area within a 250-day ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer. If the available data indicate a zone of increased ground-water velocity within the producing aquifer(s), then time-of-travel calculations shall be based on this data.

(iii) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer. If the available data indicate a zone of increased ground-water velocity within the producing aquifer(s), then time-of-travel calculations shall be based on this data.

(iv) Zone four is the area within a 15-year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer. If the available data indicate a zone of increased ground-water velocity within the producing aquifer(s), then time-of-travel calculation shall be based on this data.

(b) Optional Two-mile Radius Delineation Procedure - In place of the Preferred Delineation Procedure, PWSs may choose to use the Optional Two-mile Radius Delineation Procedure to delineate a management area. This procedure is best applied in rural areas where few if any potential contamination sources are located. Refer to R309-113-6(1)(o) for the definition of a management area.

(3) Protected Aquifer Classification - PWSs may choose to verify protected aquifer conditions to reduce the level of management controls for a public-supply well which produces water from a protected aquifer(s). Refer to R309-113-6(1)(v) for the definition of a "protected aquifer."

(4) Special Conditions - Special scientific or engineering studies may be conducted to support a request for an exception (refer to R309-113-4) due to special conditions. These studies must be approved by DDW before the PWS begins the study. Special studies may include confined aquifer conditions, ground[-]water movement through protective layers, wastewater transport and fate, etc.

(5) DWSP Delineation Report - Each PWS shall submit a DWSP Delineation Report to DDW for each of its ground-water sources using the Preferred Delineation Procedure or the Optional Two-mile Radius Delineation Procedure.

(a) Preferred Delineation Procedure - Delineation reports for protection zones delineated using the Preferred Delineation Procedure shall include the following information and a list of all sources or references for this information:

(i) Geologic Data - A brief description of geologic features and aquifer characteristics observed in the well and area of the potential protection zones~~[A summary description of the geology in the well and nearby area of the ground-water source of drinking water].~~ This should include the formal or informal stratigraphic~~[formation]~~ name(s), lithology of the aquifer(s) and confining unit(s)~~[general rock type, grain sizes, sorting, degree of natural cementation]~~, and description of fractures and solution cavities (size, abundance, spacing, orientation) and faults (brief description of location in or near the well, and orientation). Lithologic descriptions~~[Description of grain sizes, sorting, etc.]~~ can be obtained from surface hand samples or well cuttings; core samples and laboratory analyses are not necessary. Fractures, solution cavities, and faults ~~[should]~~may be described from surface outcrops or drill logs.

(ii) Well Construction Data - If the source is a well, the report shall include the well drillers log, elevation of the wellhead, borehole radius, casing radius, total depth of the well, depth and length of the screened or perforated interval(s), well screen or perforation type, casing type, method of well construction, type of pump, location of pump in the well, and the maximum projected pumping rate of the well. The maximum pumping rate of the well must be used in the delineation calculations. Averaged pumping rate values shall not be used.

(iii) Spring Construction Data - If the source is a spring or tunnel the report shall include a description or diagram of the collection area and method of ground-water collection.

(iv) Aquifer Data for New Wells - A summary report including the calculated hydraulic conductivity of the aquifer, transmissivity, hydraulic gradient, direction of ground-water flow, estimated effective porosity, and saturated thickness of the producing aquifer(s). The PWS shall obtain the hydraulic conductivity of the aquifer from a constant-rate aquifer test and provide the data as described in R309-204-6(10)(b)~~[R309-106-5(6)(a)]~~. Estimated effective porosity must be between 1% and 30%. Clay layers shall not be included in calculations of aquifer thickness or estimated effective porosity. This report shall include graphs, data, or printouts showing the interpretation of the aquifer test.

(v) Aquifer Data for Existing Wells - A summary report including the calculated hydraulic conductivity of the aquifer, transmissivity, hydraulic gradient, direction of ground-water flow, estimated effective porosity, and saturated thickness of the producing aquifer(s). The PWS shall obtain the hydraulic conductivity of the aquifer from a constant-rate aquifer test using the existing pumping equipment. Aquifer tests using observation wells are encouraged, but are not required. If a previously performed aquifer test is available and includes the required data described below, data from that test may be used instead. Estimated effective porosity must be between 1% and 30%. Clay layers shall not be included in calculations of aquifer thickness or estimated

effective porosity. This report shall include graphs, data, or printouts showing the interpretation of the aquifer test.

If a constant-rate aquifer test is not practical, then the PWS shall obtain hydraulic conductivity of the aquifer using another appropriate method, such as data from a nearby well in the same aquifer, specific capacity of the well, published hydrogeologic studies of the same aquifer, or local or regional ground-water models. A constant-rate test may not be practical for such reasons as insufficient drawdown in the well, inaccessibility of the well for water-level measurements, or insufficient overflow capacity for the pumped water.

The constant-rate test shall:

(A) Provide for continuous pumping for at least 24 hours or until stabilized drawdown has continued for at least six hours. Stabilized drawdown is achieved when there is less than one~~[0.5]~~ foot of change of ground-water level in the well within a six-hour period.

(B) Provide data as described in R309-204-6(10)(b)(v) through (vii)~~[R309-106-5(6)(a)(v) through (vii)]~~.

(vi) Additional Data for Observation Wells - If the aquifer test is conducted using observation wells, the report shall include the following information for each observation well: location and surface elevation; total depth; depth and length of the screened or perforated intervals; radius, casing type, screen or perforation type, and method of construction; prepumping ground-water level; the time-drawdown or distance-drawdown data and curve; and the total drawdown.

(vii) Hydrogeologic Methods~~[Procedures]~~ and Calculations - These include the ground-water model or other hydrogeologic method used to delineate the protection zones, all applicable equations, values, and the calculations which determine the delineated boundaries of zones two, three, and four. The hydrogeologic method or ground-water model must be reasonably applicable for the aquifer setting. For wells, the hydrogeologic method or ground-water model must include the effects of drawdown (increased hydraulic gradient near the well) and interference from other wells.

(viii) Map Showing Boundaries of the DWSP Zones - A ~~[1:24,000 scale]~~map showing the location of the ground-water source of drinking water and the boundary for each DWSP zone. The base map shall be a 1:24,000-scale (7.5-minute series) topographic map, such as is published by the U.S. Geological Survey. Although zone one (100-foot radius around the well or margin of the collection area) need not be on the map, the complete boundaries for zones two, three, and four must be drawn and labeled. More detailed maps are [encouraged, but are] optional and may be submitted in addition to the map required above.

The PWS shall also include a written description of the distances which define the delineated boundaries of zones two, three, and four. These written descriptions must include the maximum distances upgradient from the well, the maximum distances downgradient from the well, and the maximum widths of each protection zone.

(b) Optional Two-Mile Radius Delineation Procedure - Delineation Reports for protection areas delineated using the Optional Two-mile Radius Delineation Procedure shall include the following information:

(i) ~~Map Showing Boundaries of the DWSP Management Area - A [1:24,000 scale]map showing the location of the ground-water source of drinking water and the DWSP management area boundary. The base map shall be a 1:24,000-scale (7.5-minute series) topographic map, such as is published by the U.S. Geological Survey. Although zone one (100-foot radius around the well or margin of the collection area) need not be on the map, the complete two-mile radius must be drawn and labeled. More detailed maps [are encouraged but] are optional and may be submitted in addition to the map required above.~~

(ii) Hydrogeologic Report for Potential Contamination Sources - Unless the PWS chooses the option in R309-113-9(5)(b)(iii) below, it shall submit a hydrogeologic report for each potential contamination source within zone one and the management area. This report must explain the potential for contamination to move from the contamination source to the ground-water source and its potential impact on the drinking water quality of the ground-water source.

(iii) Hydrogeologic Report Not Required - A hydrogeologic report for pollution sources within zone one and the management area is not required if these pollution sources implement design standards which prevent contaminated discharges to ground water. Additionally, a hydrogeologic report is not required for potential contamination sources if the PWS meets the requirements in R309-113-11 and 12.

(6) Protected Aquifer Conditions - If a PWS chooses to verify protected aquifer conditions, it shall submit the following additional data to DDW for each of its ~~[public-supply wells]ground-water sources~~ for which the protected aquifer conditions apply. The report must state that the aquifer meets the definition of a protected aquifer based on the following information:

(a) thickness, depth, and lithology of the protective clay layer;
 (b) data to indicate the lateral continuity of the protective clay layer over the extent of zone two. This may include such data as correlation of beds in multiple wells, published hydrogeologic studies, stratigraphic studies, potentiometric surface studies, and so forth; and

(c) evidence that the well has been grouted or otherwise sealed from the ground surface to a depth of at least 100 feet and for a thickness of at least 30 feet through the protective clay layer in accordance with [R309-106-5(5)(g) and]R309-113-6(1)(v) R309-204-6(6)(i).

R309-113-10. Potential Contamination Source Inventory and Identification and Assessment of Controls.

(1) Prioritized Inventory of Potential Contamination Sources - Each PWS shall list all potential contamination sources within each DWSP zone or management area in priority order and state the basis for this order. This priority ranking shall be according to relative risk to the drinking water source. The name and address of each commercial and industrial potential contamination source is required. Additional information should include the name and phone number of a contact person and a list of the chemical, biological, and/or radiological hazards associated with each potential contamination source. Additionally, each PWS shall identify each potential contamination source as to its location in zone one, two, three, four or in a management area and plot it on the map required in R309-113-9(5)(a)(viii) or R309-113-9(5)(b)(i).

~~(2)a~~ List of Potential Contamination Sources - A List of Potential Contamination Sources is found in ~~[Chapter Three of]the "Source Protection User's Guide."~~ This document may be obtained from DDW. This list may be used by PWSs as a guide to inventorying potential contamination sources within their DWSP zones and management areas.

~~(3)b~~ Refining, Expanding, Updating, and Verifying Potential Contamination Sources - Each PWS shall update its list of potential contamination sources to show current conditions within DWSP zones or management areas. This includes adding potential contamination sources which have moved into DWSP zones or management areas, deleting potential contamination sources which have moved out, improving available data about potential contamination sources, and all other appropriate refinements.

~~(4)2~~ Identification and Assessment of Current Controls - PWSs are not required to plan and implement land management strategies for potential contamination source hazards that are assessed as "adequately controlled." If controls are not identified, the potential contamination source will be considered to be "not adequately controlled." Additionally, if the hazards at a potential contamination source cannot be identified, the potential contamination source must be assessed as "not adequately controlled." Identification and assessment should be limited to one of the following controls for each applicable hazard: regulatory, best management/pollution prevention, physical, and negligible quantity controls. Each of the following topics for a control must be addressed before identification and assessment will be considered to be complete.[The PWS shall list each of the current controls that are in effect for each potential contamination source.] Refer to ~~[Appendix E of]the "Source Protection User's Guide"~~ for a list of government agencies and the programs they administer to control potential contamination sources. This guide may be obtained from DDW.

~~(5)a~~ Regulatory Controls[Assessment of Current Controls] - Identify the enforcement agency and verify that the hazard is being regulated by them; cite and/or quote applicable references in the regulation, rule or ordinance which pertain to controlling the hazard; explain how the regulatory control prevents ground-water contamination; assess the hazard; and set a date to reassess the hazard.

(b) Best Management/Pollution Prevention Practice Controls - List the specific best management/pollution prevention practices which have been implemented by potential contamination source management to control the hazard and indicate that they are willing to continue the use of these practices; explain how these practices prevent ground-water contamination; assess the hazard; and set a date to reassess the hazard.

(c) Physical Controls - Describe the physical control(s) which have been constructed to control the hazard; explain how these controls prevent contamination; assess the hazard; and set a date to reassess the hazard.

(d) Negligible Quantity Control - Identify the quantity of the hazard that is being used, disposed, stored, manufactured, and/or transported; explain why this amount should be considered a negligible quantity; assess the hazard; and set a date to reassess the hazard.[The PWS shall assess whether current controls are stringent enough to prevent pollution from a potential contamination source from reaching a ground-water source of drinking water.]

(3) For the purpose of meeting the requirements of R309-113, DDW will consider a PWS's assessment that a potential contamination source which is covered by a permit or approval under one of the regulatory programs listed below sufficient to demonstrate that the source is adequately controlled unless otherwise determined by the Executive Secretary. For all other state programs, the PWS's assessment is subject to review by DDW; as a result, a PWS's DWSP Plan may be disapproved if DDW does not concur with its assessment(s).

~~[In determining if a potential contamination source is permitted or approved under these programs, the PWS should contact the state agency responsible for these programs. In the event that a potential contamination source is contacted directly, the PWS should understand that they are usually under no obligation to furnish requested information.]~~

(a) The Utah Ground[-]Water Quality Protection program established by Section 19-5-104 and R317-6;

(b) closure plans or Part B permits under authority of the Resource Conservation and Recovery Act (RCRA) of 1984 regarding the monitoring and treatment of ground water;

(c) the Utah Pollutant Discharge Elimination System (UPDES) established by Section 19-5-104 and R317-8;

(d) the Underground Storage Tank Program established by Section 19-6-403 and R311-200 through R311-208; and

(e) the Underground Injection Control (UIC) Program for classes I-IV established by Sections 19-5-104 and 40-6-5 and R317-7 and R649-5.]

~~—(6) Assessment Determines Source to be Adequately Controlled - If the assessment in R309-113-10(5) determines that a particular potential contamination source is adequately controlled, the PWS shall report this appraisal in the DWSP Plan and indicate that no further land management strategies will be proposed or implemented unless conditions change.]~~

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R309-113-12. Management Program to Control or Prohibit Future Potential Contamination Sources for Existing Drinking Water Sources.

(1) PWSs shall plan land management strategies to control or prohibit future potential contamination sources within each of its DWSP zones or management areas consistent with the provisions of R309-113 and to an extent allowed under its authority and jurisdiction. Land management strategies must be designed to control potential contamination and may be regulatory or non-regulatory. Additionally land management strategies must be implemented according to the schedule required in R309-113-7(1)(e).

(2) Protection areas may extend into neighboring cities, towns, and counties. Since it may not be possible for some PWSs to enact regulatory land management strategies outside of their jurisdiction, except as described below, it is recommended that these PWSs contact their neighboring cities, towns, and counties to see if they are willing to implement protective ordinances to prevent ground-water contamination under joint management agreements.

(3) Cities and towns have extraterritorial jurisdiction in accordance with Section 10-8-15 of the Utah Code Annotated to enact ordinances to protect a stream or "source" from which their water is taken... "for 15 miles above the point from which it is taken

and for a distance of 300 feet on each side of such stream..." Section 10-8-15 includes ground-water sources.

(4) Zoning ordinances are an effective means to control potential contamination sources that may want to move into protection areas. They allow PWSs to prohibit facilities that would discharge contaminants directly to ground water. They also allow PWSs to review plans from potential contamination sources to ensure there will be adequate spill protection and waste disposal procedures, etc. If zoning ordinances are not used, PWSs must establish a plan to contact potential contamination sources individually as they move into protection areas, identify and assess their controls, and plan land management strategies if they are not adequately controlled.

R309-113-13. New Ground-water Sources of Drinking Water.

(1) Prior to constructing a new ground-water source of drinking water, each PWS shall develop a PER which demonstrates whether the source meets the requirements of this section and submit it to DDW. Additionally, engineering information in accordance with R309-204-6(5)(a) or R309-204-7(4) must be submitted to DDW. DDW will not grant plan approval until both source protection and engineering requirements are met. Construction standards relating to protection zones and management areas (fencing, diversion channels, sewer line construction, and grouting, etc.) are found in R309-204. After the source is constructed a DWSP Plan must be developed, submitted, and implemented accordingly.

(2) Preliminary Evaluation Report for New Sources of Drinking Water - PERs shall cover all four zones or the entire management area. PERs should be developed in accordance with the "Standard Report Format for New Wells and Springs." This document may be obtained from DDW. PWSs shall include the following four sections in each PER:

(a) Delineation Report for Estimated DWSP Zones - The same requirements apply as in R309-113-9(5), except that the hydrogeologic data for the PER must be developed using the best available data which may be obtained from: surrounding wells, published information, or surface geologic mapping. PWSs must use the Preferred Delineation Procedure to delineate protection zones for new wells.

(b) Inventory of Potential Contamination Sources and Identification and Assessment of Controls - The same requirements apply as in R309-113-10(1) and (2). Additionally, the PER must demonstrate that the source meets the following requirements:

(i) Protection Areas Delineated using the Preferred Delineation Procedure in Protected Aquifers - A PWS shall not locate a new ground-water source of drinking water where an uncontrolled potential contamination source or a pollution source exists within zone one.

(ii) Protection Areas Delineated using the Preferred Delineation Procedure in Unprotected Aquifers - A PWS shall not locate a new ground-water source of drinking water where an uncontrolled potential contamination source or a pollution source exists within zone one. Additionally, a new ground-water source of drinking water may not be located where a pollution source exists within zone two unless the pollution source implements design standards which prevent contaminated discharges to ground water.

(iii) Management Areas Delineated using the Optional Two-Mile Radius Delineation Procedure - A PWS shall not locate a new

spring where an uncontrolled potential contamination source or a pollution source exists within zone one. Additionally, a new spring may not be located where a pollution source exist within the management area unless: a hydrogeologic report in accordance with R309-113-9(5)(b)(ii) which verifies that it does not impact the spring; or the pollution source implements design standards which prevent contaminated discharges to ground water.

(c) Land Ownership Map - A land ownership map which includes all land within zones one and two or the entire management area. Additionally, include a list which exclusively identifies the land owners in zones one and two or the management area, the parcel(s) of land which they own, and the zone in which they own land. A land ownership map and list are not required if ordinances are used to protect these areas.

(d) Land Use Agreements, Letters of Intent, or Zoning Ordinances - Land use agreements which meet the requirements of the definition in R309-113-6(1)(n). Zoning ordinances which are already in effect or letters of intent may be substituted for land use agreements; however, they must accomplish the same level of protection that is required in a land use agreement. Letters of intent must be notarized, include the same language that is required in land use agreements, and contain the statement that "the owner agrees to record the land use agreement in the county recorder's office, if the source proves to be an acceptable drinking water source." The PWS shall not introduce a new source into its system until copies of all applicable recorded land use agreements are submitted to DDW.

(3) Sewers Within DWSP Zones and Management Areas - Sewer lines may not be located within zones one and two or a management area unless the criteria identified below are met. If sewer lines are located or planned to be located within zones one and two or a management area, the PER must demonstrate that they comply with this criteria. Sewer lines that comply with this criteria may be assessed as adequately controlled potential contamination sources.

(a) Zone One - If the conditions specified in R309-113-13(3)(a)(i and ii) below are met, all sewer lines within zone one shall be constructed in accordance with R309-204-6(4) and must be at least 10 feet from the wellhead.

(i) There is at least 5 feet of suitable soil between the bottom of the sewer lines and the top of the maximum seasonal ground-water table or perched water table. (Suitable soils contain adequate sand/silt/clay to act as an effective effluent filter within its depth for the removal of pathogenic organisms and fill the voids between coarse particles such as gravel, cobbles, and angular rock fragments); and

(ii) there is at least 5 feet of suitable soil between the bottom of the sewer lines the top of any bedrock formations. (For the purposes of this rule, unsuitable soils or bedrock formations shall include soil or bedrock formations which have such low permeability that they prevent downward passage of effluent, or soil or bedrock formations with open joints or solution channels which permit such rapid flow that effluent is not renovated. This includes coarse particles such as gravel, cobbles, or angular rock fragments with insufficient soil to fill the voids between the particles. Solid or fractured bedrock such as shale, sandstone, limestone, basalt, or granite are unacceptable.)

(b) Zones One and Two - If the conditions identified in R309-113-13(3)(a)(i and ii) above cannot be met, any sewer lines with

zones one and two or a management area shall be constructed in accordance with R309-204-6(4) and must be at least 300 feet from the wellhead or margin of the collection area.

(4) Use waivers for the VOC and pesticide parameter groups may be issued if the inventory of potential contamination sources indicates that the chemicals within these parameter groups are not used, disposed, stored, transported, or manufactured within zones one, two, and three or the management area.

(5) Replacement Wells - A PER is not required for proposed wells, if the PWS receives written notification from DDW that the well is classified as a replacement well. The PWS must submit a letter requesting that the well be classified as a replacement well and include documentation to show that the conditions required in R309-113-6(1)(w) are met. If a proposed well is classified as a replacement well, the PWS is still required to submit and obtain written approval for all other information as required in:

(a) DWSP Plan for New Sources of Drinking Water (refer to R309-113-13(6), and

(b) the Outline of Well Approval Process (refer to R309-204-6(5)).

(6) DWSP Plan for New Sources of Drinking Water - The PWS shall submit a DWSP Plan in accordance with R309-113-7(1) for any new ground-water source of drinking water within one year after the date of DDW's concurrence letter. In developing this DWSP Plan, PWSs shall refine the information in the PER by applying any new, as-constructed characteristics of the source (i.e., pumping rate, aquifer test, etc.).(1) Prior to constructing a new ground-water source of drinking water, each PWS shall develop a Preliminary Evaluation Report or a DWSP Plan which demonstrates whether the source meets the requirements of this section and submit it to DDW. PWSs shall submit Preliminary Evaluation Reports or DWSP Plans and other required information in accordance with R309-106-5(2) or R309-106-6(2) to DDW concurrently; review of source protection reports and engineering specifications by DDW shall also be conducted concurrently. DDW will not grant plan approval to a PWS in accordance with R309-106-5(2) or R309-106-6(2) until the requirements set forth in this section are also met. Construction standards relating to protection zones and management areas (fencing, diversion channels, sewer lines, and grouting, etc.) are found in R309-106. After the source is constructed a DWSP Plan shall be developed, submitted, and implemented accordingly. Land use agreement requirements are also identified:

(2) Preliminary Evaluation Report for New Sources of Drinking Water - Preliminary Evaluation Reports shall cover all four zones or the entire management area. PWSs shall include the following five sections in each Preliminary Evaluation Report:

(a) Delineation Report for Estimated DWSP Zones - PWSs shall use the Preferred Delineation Procedure to delineate protection zones for new wells. The same requirements apply as in R309-113-9(5), except that the hydrogeologic data for the Preliminary Evaluation Report may be obtained from surrounding wells, published information, surface geologic mapping, or best available data:

(b) Inventory of Potential Contamination Sources and Identification and Assessment of Controls - The same requirements apply as in R309-113-10(1):

— (c) Management Program to Control Each Preexisting Potential Contamination Source - The same requirements apply as in R309-113-11.

— (d) Management Program to Control or Prohibit Future Potential Contamination Sources for New Drinking Water Sources in accordance with R309-113-13(4). Land use agreements obtained in conjunction with Preliminary Evaluation Reports may be notarized "letters of intent" from the owner. These letters must include the language required in a land use agreement and a statement that the owner will record a land use agreement with the county recorder's office if the source proves to be an acceptable source. A copy of the land use agreement which has been recorded with the county recorder's office must be submitted to DDW and an approval letter must be issued before the PWS will be permitted to introduce the new source into its public system.

— (e) Land Ownership Map - A land ownership map which includes all land within zones one and two or the entire management area.

— (3) DWSP Plan for New Sources of Drinking Water - If a Preliminary Evaluation Report was developed, the PWS shall submit a DWSP Plan in accordance with R309-113-7(1) for any new ground-water source of drinking water within one year after the date of DDW's concurrence letter. In developing this DWSP Plan, PWSs shall refine the information in the Preliminary Evaluation Report by applying any new, as-constructed characteristics of the source (i.e., pumping rate, aquifer test, etc.).

— (4) Management Program to Control and Prohibit Future Potential Contamination Sources for New Drinking Water Sources - PWSs shall plan land management strategies to control or prohibit future potential contamination sources within each of their DWSP zones and management areas consistent with the provisions of R309-113 and to an extent allowed under their authority and jurisdiction. Land management strategies must be designed to control potential contamination and may be regulatory or non-regulatory. Land management strategies must be implemented according to the schedule required in R309-113-7(1)(c).

— Zoning ordinances are an effective means to control potential contamination sources that may want to move into protection areas. They allow PWSs to prohibit facilities that would discharge contaminants directly to ground water. They also allow PWSs to review plans from potential contamination sources to ensure there will be adequate spill protection and waste disposal procedures, etc. If zoning ordinances are not used, PWSs must establish a plan to contact potential contamination sources individually as the move into protection areas, identify and assess their controls, and plan land management strategies if they are not adequately controlled. PWSs shall enact the following restrictions:

— (a) Additional Requirements for Protection Areas Delineated using the Preferred Delineation Procedure in Protected Aquifers - A PWS shall not locate a new ground-water source of drinking water where a potential contamination source exists within zone one. Additionally, the PWS shall prohibit the future location of any potential contamination sources within zone one. These restrictions shall be accomplished through zoning controls or land use agreements with the land owner(s).

— (b) Additional Requirements for Protection Areas Delineated using the Preferred Delineation Procedure in Unprotected Aquifers:

— (i) Zone One - The same requirements apply as in R309-113-13(4)(a).

— (ii) Zone Two - PWSs shall not locate a new ground-water source of drinking water where a pollution source exists within zone two in an unprotected aquifer unless the pollution source implements design standards which prevent contaminated discharges to ground water. Additionally, PWSs shall prohibit the future location of pollution sources within zone two unless the pollution source implements design standards which prevent contaminated discharges to ground water. These restrictions shall be accomplished through zoning controls or land use agreements with the land owner(s).

— (c) Additional Requirements for Management Areas Delineated using the Optional Two-Mile Radius Delineation Procedure in Unprotected Aquifers:

— (i) Zone One - The same requirements apply as in R309-113-13(4)(a).

— (ii) DWSP Management Area - PWSs shall not locate a new spring where a pollution source exist within a management area unless: the hydrogeologic report in R309-113-9(5)(b)(ii) verifies that it does not impact the spring, or the pollution source implements design standards which prevent contaminated discharges to ground water.

— Additionally, PWSs shall prohibit the future location of any pollution source unless: the hydrogeologic report in R309-113-9(5)(b)(ii) verifies that it will not impact the ground water source; or the pollution source implements design standards which prevent discharges to ground water. These restriction shall be accomplished through zoning controls or land use agreements with the land owner(s).

— (5) Sewers Within DWSP Zones and Management Areas - The Executive Secretary may permit sewer lines within DWSP zones and management areas if precautions in accordance with R309-106-5(4)(b) are taken.]

R309-113-14. Contingency Plans.

PWSs shall submit a Contingency Plan which includes all sources of drinking water for their entire water system to DDW concurrently with the submission of their first DWSP Plan. Guidance for developing Contingency Plans may be found in [Chapter Five of] the "Source Protection User's Guide." This document may be obtained from DDW.

R309-113-15. Waivers.

Current use and susceptibility waivers for the VOC, pesticide, and unregulated parameter groups will expire, if they are not addressed in a source's DWSP Plan. Guidance for addressing waivers is found in the "Source Protection User's Guide." This document may be obtained from DDW.

KEY: drinking water, environmental health

[July 26, 1995]1998

19-4-104(1)(a)(iv)

Notice of Continuation April 10, 1997



Public Safety, Peace Officer Standards and Training

R728-409

Refusal, Suspension, or Revocation of Peace Officer Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20995

FILED: 04/15/98, 12:12

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This filing is the result of division review.

SUMMARY: This filing makes language more clear and clarifies what crimes are actually of dishonesty. This filing also outlines the procedure to follow in order to comply with Subsection 53-6-211(6) and clarifies the procedure for requesting review before the Peace Officer Standards and Training Council.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 53-6-105

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.
❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Steve DeMille or Bonnie Braegger at the above address, by phone at (801) 965-4370 or (801) 965-4099, by FAX at (801) 965-4619, or by Internet E-mail at psdomain.psmain.bbraegge@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: Steven D. DeMille, Deputy Director

R728. Public Safety, Peace Officer Standards and Training. R728-409. Refusal, Suspension, or Revocation of Peace Officer Certification.

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R728-409-3. Cause to Evaluate Certification for the Refusal, Suspension, or Revocation of Peace Officer Certification or Authority.

The division may initiate an investigation when it receives an allegation that grounds for refusal, suspension, or revocation of certification exist. The initial allegation may come from any responsible source, including those provisions of R728-409-5. Pursuant to the purpose and intent of 53-6-211, revocation is a permanent deprivation of peace officer certification or authority, and except as outlined in R728-409-28 does not allow for a person who has been revoked in the State of Utah to be readmitted into any peace officer training program conducted by or under the approval of the division, or to have peace officer certification or authority reinstated or restored by the division.

Should the allegation against a peace officer, defined under Title 77, Chapter 1a, be made to the division alleging failure to meet or maintain the minimum qualifications established under Sections 53-6-3, 5, 6, 211 or Section 77-1a 1, et seq., any of the following provisions may constitute cause for refusal, suspension, or revocation of peace officer certification or authority:

A. Any willful falsification of any information provided to the division to obtain certified status. The information could be in the form of written application, supplementary documentation requested or required by the division, testimony or other oral communication to the division, or any other form of information which could be considered fraudulent or false for purposes of Subsection 53-6-211(1)(d)(i).

B. "Physical or mental disability" for purposes of Section 53-6-211(1)(d)(ii), shall be defined as set forth in Utah Administrative Code, Rule R728-403-9, Physical, Emotional, or Mental Condition Requirement, and division medical guidelines.

C. Conviction of any drug related offense including the provisions of Title 58 Chapter 37.

D. "Addiction to drug or narcotics" for purposes of Section 53-6-211(1)(d)(iii) means addiction to any drug or narcotic as defined in Title 58, Chapter 37.

1. Peace officers who, in the normal course of their peace officer duties and functions, possess, attempt to simulate, unintentionally use or are forced to use, narcotics, drugs, or drug paraphernalia, shall be exempt from the provisions of Section 53-6-211(1)(d)(iii) and (v), so long as their conduct:

- a. is authorized by their law enforcement employer; and
b. does not jeopardize the public health, safety or welfare.

2. Addiction to drugs or narcotics as a direct result of the legitimate treatment of a physical, emotional or psychological disease, or injury which is currently being treated by a licensed physician or medical practitioner licensed in this state or any other state, and which has been reported, in writing, to the law enforcement employer and P.O.S.T., shall not be considered a violation of Section 53-6-211(1)(d)(iii) so long as the addiction does not jeopardize the public health, safety or welfare.

a. Addiction to unlawfully obtained drugs or narcotics arising from circumstances not involving (a) the legitimate treatment of a physical disease; (b) circumstances involving surgery or serious injury; (c) from psychological illness; and (d) which has not been treated by a licensed physician or medical practitioner, licensed in this state or any other state, shall be considered a violation of Section 53-6-211(1)(d)(iii).

b. No applicant shall be granted peace officer certification or authority if it is demonstrated that the applicant has a drug addiction which is not under control.

c. A peace officer may have peace officer certification or authority temporarily suspended for the duration of drug rehabilitation. If the peace officer has demonstrated control of the drug addiction as determined by a division medical consultant, peace officer certification or authority shall be restored.

d. Criminal conduct by a person asserting the conduct was the result of drug addiction or dependence shall be grounds for refusal, suspension or revocation of peace officer certification or authority despite the fact that rehabilitation has not occurred prior to the peace officer certification or authority being refused, suspended or revoked.

3. Notwithstanding anything contained in this administrative rule to the contrary, a peace officer may have peace officer certification or authority revoked for conduct in violation of Section 53-6-211(1)(d)(iii), if, prior to the conduct in question, the peace officer has had a previous suspension or revocation of peace officer certification or authority under Section 53-6-211(1)(d)(iii), or similar statute of another jurisdiction.

E. ~~Conviction of a felony. ["Felony" crime for purposes of Title 53, Chapter 6, shall be defined as any criminal conduct other than those crimes defined as misdemeanors or infractions in the statutes of this state or any similar statute of any other jurisdiction.]~~

F. "Crimes involving dishonesty" for purposes of Section 53-6-211(1)(d)(iv) means conviction for criminal conduct, under the statutes of this state or any other jurisdiction, which under the rules of evidence can be used to impeach a witness or involving, but not limited to, any of the following:

1. theft;
2. fraud;
3. tax evasion;
4. issuing bad checks;
5. financial transaction credit card offenses;
6. deceptive business practices;
7. defrauding creditors;
8. robbery;
9. aggravated robbery;
10. bribery or receiving a bribe;
11. perjury;
12. extortion;

~~[13. arson or aggravated arson;~~

~~14. criminal mischief, or graffiti;~~

~~15.]13. falsifying government records;~~

~~[16. custodial interference;]~~

~~[17]14. forgery;~~

~~[18]15. receiving stolen property;~~

~~[19. firearms violations;]~~

~~[20]16. burglary or aggravated burglary;]~~

~~21. criminal trespass;~~

~~22. vandalism;~~

~~23. kidnapping, aggravated kidnapping or child kidnapping;~~

~~24. furnishing or permitting minors to use tobacco or alcohol;~~

~~25. violations of the computer crimes act, as defined in Title 76, Chapter 6, Part 7, or similar law of another jurisdiction;~~

~~26. offenses against the administration of government, as defined in Title 76, Chapter 8, or similar law of another jurisdiction;~~

~~27. violations against the public order and decency act, as defined in Title 76, Chapter 9, or similar law of another jurisdiction;~~

~~28. violations of the pornographic and harmful materials and performances act, as defined in Title 76, Chapter 10, Part 12, or similar law of another jurisdiction;~~

~~29. violations of the racketeering enterprises act, as defined in Title 76, Chapter 10, Part 16, or similar law of another jurisdiction;~~

~~30. violations of the cable television programming decency act, as defined in Title 76, Chapter 10, Part 17, or similar law of another jurisdiction;~~

~~31. violations of the communications fraud act, as defined in Title 76, Chapter 10, Part 18 or similar law of another jurisdiction; and~~

~~32. possession of protected wildlife without a license, or the illegal taking or possession of big game, rare, threatened or endangered wildlife without a license, as provided under Title 23, Chapter 20, Sections 3 and 4, or similar law of another jurisdiction.]~~

G. "Crimes involving unlawful sexual conduct" for purposes of Section 53-6-211(1)(d)(iv) means any violation described in Title 76, Chapter 5, Part 4; Chapter 5a; Chapter 7, Part 1; Chapter 10, Part 13; or Chapter 9, Part 7, Section 702 and 702.5.

H. "Crimes involving physical violence" for purposes of Section 53-6-211(1)(d)(iv) means any violation of Part 1, Assault and Related Offenses, and Part 2, Criminal Homicide, of Title 76, Chapter 5.

I. "Driving under the influence of alcohol or drugs" for purposes of Section 53-6-211(1)(d)(iv) means any violation of Section 41-6-44.

1. Convictions for violations of Section 41-6-44, in which no aggravating circumstances are present shall be considered in the following manner for purposes of Section 53-6-211(1)(d)(iv):

a. a first conviction shall result in a letter of censure from the director to the peace officer, with a copy of the letter sent to the law enforcement employer.

b. a second conviction shall result in suspension of peace officer certification or authority for a period of 0 to 12 months, as determined by the director with the concurrence of the council.

c. a third conviction, shall result in revocation of peace officer certification or authority.

2. Any conviction for a violation of Section 41-6-44, in which one or more aggravating circumstances are present may result in refusal, suspension or revocation of peace officer certification or authority.

3. For purposes of section (1) and (2) of R728-409-3(I) above, an aggravating circumstance includes, but is not limited to, one or more of the following:

a. false information to a peace officer;

b. resisting arrest;

c. felony or misdemeanor evading a peace officer;

d. disorderly person;

e. driving on a suspended or revoked driver license at the time of the arrest;

f. involvement in a traffic accident while under the influence of alcohol or drugs;

g. possession of drugs;

h. contributing to the delinquency of a minor; or

i. previous conviction for driving under the influence of alcohol or drugs, prior to obtaining peace officer certification or authority, whether or not the charge was reduced to reckless driving or a lesser traffic violation, and whether or not the charge was dismissed for assistance in other law enforcement investigations.

4. Criminal conduct by an individual asserting the conduct was a result of drug addiction or dependence shall be grounds for refusal, suspension or revocation despite the fact that rehabilitation has not occurred prior to the refusal, suspension or revocation.

J. "Conduct or pattern of conduct" for purposes of Section 53-6-211(1)(d)(v) means an act or series of acts by a person which occur prior to or following the granting of peace officer certification or authority.

1. Conduct that shall be considered as grounds for violation of Section 53-6-211(1)(d)(v) shall include:

a. uncharged conduct which includes the conduct set forth in Rule R728-409-3, which could be considered criminal, although such conduct does not result in the filing of criminal charges against the person, but where the evidence shows that the criminal act did occur, that the person committed the act, and that the burden of proof by a preponderance of the evidence could be established by the division;

b. criminal conduct where a criminal charge is filed, a conviction is not obtained, but where the evidence shows that the criminal act did occur, that the person committed the act, and that the burden of proof by a preponderance of the evidence appears to exist;

c. criminal conduct as enumerated in Section 53-6-211(1)(d)(iv) and 53-6-203, where the filing of a criminal charge has resulted in a finding of guilt based on evidence presented to a judge or jury, a guilty plea, a plea of nolo contendere, a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation, diversion agreements~~whereby a plea is held in abeyance for a period of time and then dismissed after completing the terms of the agreement~~, or conviction which has been expunged, dismissed, or treated in a similar manner to either of these procedures;

d. violations of Section 53-6-211(1)(d)(i) or the refusal to respond, or the failure to respond truthfully, to the questions of POST investigators asked pursuant to R728-409-5;

e. violations of Section 53-6-211(1)(d)(iii) which involve criminal conduct or jeopardize the public health, safety or welfare;

f. sexual harassment which is:

(i) conduct which rises to the level of behavior of a criminal sexual nature which includes, but is not limited to, the unwelcomed touching of the breasts of a female, buttocks or genitals of another, and or taking of indecent liberties with another;

(ii) behavior by a supervisor which creates the perception in the mind of the subordinate that the granting or withholding of tangible job benefits shall be based on the granting of sexual favors.

g. sexual conduct which is:

(i) subject to criminal punishment; or

(ii) substantially diminishes or, if known, would tend to diminish public confidence and respect for law enforcement; or

(iii) damages or, if known, would tend to damage a law enforcement department's efficiency or morale; or

(iv) impairs or, if known, would tend to impair the ability of the peace officer to objectively and diligently perform the duties and functions of a peace officer;

h. sexual activity protected by the right of privacy, that does not hamper law enforcement, shall not be grounds for refusal, suspension or revocation of peace officer certification or authority.

i. Other conduct, whether charged or uncharged, which constitutes: malfeasance in office, non-feasance in office, violates the peace officer's oath of office, or a willful and deliberate violation of Title 53, Chapter 6, or the administrative rules contained in Utah Administrative Code, Agency R728.

(i) Malfeasance for purposes of subsection (h) shall include the commission of some act which is wholly wrongful or unlawful that affects, interrupts or interferes with the performance of official duties.

(ii) Non-feasance for purposes of subsection (h) shall include the omission of an act which a peace officer by virtue of his employment as such is charged to do.

(iii) oath of office for purposes of subsection (h) shall include the swearing of a person, upon employment as a peace officer defined in Title 77, Chapter 1a, to an oath to support, obey and defend the Constitution of the United States and the Constitution of the State of Utah and discharge the duties of the office with fidelity, or, a similar oath of a county, city or town.

j. arrest for driving under the influence of alcohol or drugs, where the elements of the offense could be established by a preponderance of the evidence.

(i) A first ~~arrest~~conviction, with no aggravating circumstance, shall result in a letter of censure from the director to the peace officer, with a copy of the letter sent to the law enforcement employer.

(ii) A second ~~arrest~~conviction, with no aggravating circumstance shall result in suspension of peace officer certification or authority for a period of 0 to 12 months, as determined by the director with the concurrence of the council.

(iii) A third ~~arrest~~conviction shall result in revocation of peace officer certification or authority.

k. Addiction to alcohol:

(i) if it is demonstrated that a peace officer or applicant for peace officer certification or authority has an alcohol addiction which is not under control;

(ii) a peace officer with an alcohol addiction may have peace officer certification or authority temporarily suspended for the duration of alcohol rehabilitation. If the peace officer has demonstrated control of the alcohol addiction as determined by a division medical consultant, peace officer certification or authority may be restored;

(iii) criminal conduct by an individual asserting the conduct was a result of alcohol addiction or dependence shall be grounds for refusal, suspension or revocation despite the fact that rehabilitation has not occurred prior to the refusal, suspension or revocation.

l. Acts of gross negligence or misconduct which is "clearly outrageous" or shock the conscience of a reasonable person;

(i) violations of the Law Enforcement Code of Ethics as adopted by the Council;

(ii) lying under the Garrity warning

m. A dismissal from military service under any of the following circumstances:

- (i) Bad conduct discharge (BCD)
- (ii) Dishonorable discharge (DD)
- (iii) Administrative discharge of "General under honorable conditions" (GEN).

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R728-409-8. Commencement of Adjudicative Proceedings - Administrative Complaint.

A. Except as otherwise permitted by Sections 53-6-211(6) and [Section] 63-46b-20 and Rules R728-409-8(C) and [Rule] R728-409-25, all adjudicative proceedings shall be commenced by notice of an Administrative Complaint accompanied by a Notice of Agency Action. The Administrative Complaint will set forth the allegations complained of by the division. A copy of the Administrative Complaint and Notice of Agency Action shall be sent to the individual named on the administrative complaint and notice of agency action or by certified mail.

B. The Administrative Complaint shall be filed and served according to the following requirements:

1. when adjudicative proceedings are commenced by the division, the Administrative Complaint shall be in writing, signed by the Council Chairman and shall include:

- a. the name and mailing address of the respondent, and the name and address of the agency employee or attorney designated to represent the division;
- b. the division's file number or other reference number;
- c. the name of the adjudicative proceeding;
- d. the date that the notice of the division's action was mailed;
- e. a statement indicating that a formal hearing will be conducted according to the provisions of Sections 63-46b-6 to 63-46b-11, except as otherwise indicated by Rule R728-409 in reference to time of response, as allowed under Section 63-46b-3(2)(f);
- f. a statement that the respondent shall file a responsive pleading within 30 days of the mailing date of the notice of agency action;
- g. a statement of the time and place of the scheduled adjudicative proceeding, a statement indicating the purpose for which the adjudicative proceeding is to be held, and a statement indicating that a party who fails to attend or participate in the adjudicative proceeding may be held in default;
- h. a statement of the legal authority and jurisdiction under which the administrative proceeding is to be maintained;
- i. the name, title, mailing address, and telephone number of the presiding officer; and
- j. a statement of the purpose of the adjudicative proceeding and, to the extent known by the presiding officer, the questions to be decided.

C. When the cause of action under Section 53-6-211 and Rule R728-409-3 is conviction of a felony, the following procedures shall apply:

1. The division shall send written notice to the peace officer stating that proceedings prior to revocation shall be limited to an information review of written documentation by the presiding officer, and that revocation is mandatory when the presiding officer determines that the peace officer has been convicted of a felony.

2. The notice shall state that within 15 days of the mailing date of the notice, the peace officer may request, in writing, an informal hearing before the presiding officer to present evidence that there was no felony conviction, or that the conviction has been overturned, reduced to a misdemeanor or expunged. This notice shall also state that if the peace officer does not so request, the presiding officer, and POST Council, will proceed on the documentation of conviction.

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R728-409-11. Scheduling the Adjudicative Proceeding - Hearing.

A. After the division has been served with the responsive pleading, notice of the location, date and time for the adjudicative hearing will be issued.

B. The adjudicative hearing will be held within a reasonable time after service of the responsive pleading unless a later scheduling is ordered by the presiding officer, or mutually agreed upon by the individual and the division.

C. When the cause for action is conviction of a felony, the presiding officer will conduct an informal review of the documentation within 30 days after the notice is mailed to the peace officer. If the peace officer timely requests a hearing, the presiding officer shall, within 30 days of the request, hold an informal hearing pursuant to Section 53-6-211(6). [The respondent may stipulate to the factual allegations and/or waive, in writing, the opportunity for a hearing, in which case the presiding officer will make a recommendation based upon the administrative complaint. The respondent would retain the right to a review of the recommendation before the Council as set forth in R728-409-18.]

R728-409-12. Discovery and Subpoenas.

A. In formal adjudicative proceedings parties [Parties] may conduct limited discovery. The respondent is entitled to a copy of all evidence the division intends to use in the adjudicative proceeding, and other relevant documents in the agency's possession which are necessary to support his or her claims or defenses subject, however, to the Government Records Access and Management Act, UCA 63-2-101 et seq. Discovery does not extend to interrogatories, requests for admissions or depositions.

B. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence for adjudicative proceedings shall be issued by the Division of Peace Officer Standards and Training pursuant to Section 53-6-210, or the presiding officer when requested by any party, or may be issued by the presiding officer on his own motion pursuant to Section 63-46b-7.

C. Discovery is prohibited in informal proceedings.

R728-409-13. Procedures for Adjudicative Proceedings - Hearing Procedures.

A. All formal adjudicative proceedings shall be conducted as follows:

1. The presiding officer shall regulate the course of the hearing to obtain full disclosure or relevant facts and to afford all the parties reasonable opportunity to present their positions.

2. On his own motion, or upon objection by a party, the presiding officer:

- a. may exclude evidence that is irrelevant, immaterial, or unduly repetitious;
 - b. shall exclude evidence privileged in the courts of Utah;
 - c. may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;
 - d. may take official notice of any facts that could be judicially noticed under the Utah Rules of Evidence, or the record of other proceedings before the agency, and of technical or scientific facts within the agency's specialized knowledge.
3. The presiding officer may not exclude evidence solely because it is hearsay.
 4. The presiding officer shall afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
 5. The presiding officer may give persons not a party to the adjudicative proceeding the opportunity to present oral or written statements at the hearing.
 6. All testimony presented at the hearing, if offered as evidence, to be considered in reaching a decision on the merits, shall be given under oath.
 7. The hearing shall be recorded at the division's expense.
 8. Any party, at his own expense, may have a person approved by the division prepare a transcript of the hearing, subject to any restrictions that the division is permitted by statute to impose to protect confidential information disclosed at the hearing.
 9. All hearings shall be open to all parties.
 10. This rule does not preclude the presiding officer from taking appropriate measures necessary to preserve the integrity of the hearing.
 11. The respondent has the right to counsel. Counsel will not be provided by the division and all costs for counsel will be the sole responsibility of the respondent.
 12. Witnesses at adjudicative hearings may have counsel present. Counsel for witnesses will not have the right to cross-examine. Counsel will not be provided by the division and all costs for counsel will be the sole responsibility of the witness.
 13. Witnesses before an adjudicative hearing may be excluded from adjudicative hearing while other witnesses are testifying.
 14. The presiding officer may issue an order to admonish witnesses not to discuss their testimony with other witnesses appearing to testify or offer evidence to the presiding officer at the adjudicative hearing. This order shall remain in effect until all testimony and evidence has been presented at the hearing.
 15. A person's failure to comply with the admonishment order may result in the refusal to consider testimony or evidence presented, if it is deemed that the testimony or evidence has been tainted through violation of the admonishment order.
- B. When the cause for action is conviction of a felony and the peace officer requests an informal hearing, it shall be conducted, except as modified by these rules, pursuant to Section 63-46b-5.
- C. If the presiding officer finds, by informal review or hearing, that the peace officer has been convicted of a felony, he shall recommend revocation of certification. If the presiding officer determines that there was not a conviction, he or she may recommend action other than revocation.

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R728-409-18. Request for Review of Presiding Officer's Recommendation.

- A. Except when revocation is recommended for conviction of a felony, the~~The~~ parties will have 15 days from the date of issuance of the Administrative Law Judge's recommendation to request a review of the recommendation before the council.
- B. A request by any party for council review of the Administrative Law Judge's recommendation will be made in writing to the council and will contain all issues which the party wishes to raise. The request must specify whether the party is challenging the ALJ's recommended findings of fact, conclusions of law, and/or agency action. If the party is challenging the recommended findings or conclusions, the request must particularly set forth which findings and/or conclusions it wants reviewed and considered by the council. A copy of the request will be served upon all other parties.
- C. The party seeking review shall provide transcripts, documents, and briefs to the council within ~~45~~³⁰ days after the filing of the notice requesting review, ~~and at least 14 days before the POST Council meeting conducting the review.~~ If the party is challenging the recommended findings of fact or conclusions of law, it must support its request with specific references and citations to the hearing record, and copies of the evidence received by the ALJ at the hearing, and which are relevant to the challenged recommendations. If the request is based on oral testimony presented at the hearing, the party shall provide, at its expense, a transcription of that relevant testimony. No party shall be permitted oral argument before the council unless a request for oral argument is filed with the Council within this same ~~45~~³⁰ day period.
- D. The other party or parties shall have 30 days from the date the transcripts, documents and briefs are filed by the party seeking review, to file any response to the request for review. Any response may include additional transcripts or documents necessary for review.
- E. The council shall whenever possible within ~~90 days~~ a reasonable time from the filing of the notice requesting review to provide for a review hearing before the council.
- F. Any review shall be based upon the administrative hearing record and briefs or other documents submitted by the parties. If a party has submitted portions of the hearing transcript, or other evidence admitted at the hearing, the council may, in its discretion, require the division to submit all or any other portion of the hearing transcript or evidence, and may continue the review hearing for that purpose. If necessary to make a determination, the council may also require the agency to subpoena any of the witnesses who testified in the evidentiary hearing, to appear at the next regularly scheduled council meeting, to answer questions from council members.
- G. If oral argument is requested by either party, at the review hearing the parties will be permitted 20 minutes each to present oral argument on their respective positions identified in their written requests and briefs. Any testimony presented during oral argument, if offered as evidence to be considered in reaching a decision on the review, shall be given under oath.~~All oral arguments shall be under oath and subject to the penalty of perjury.~~
- H. If no oral argument is requested, the council shall, within a reasonable time after all documents, transcripts and briefs have been filed, issue to the director a review decision.

I. If oral argument has been received, the council, within a reasonable time after the review hearing, shall issue to the director a review decision.

J. The council has the power to make a full review of the Administrative Law Judge's recommendation. This power includes, but is not limited to, the power to accept the ALJ's recommended findings of fact, conclusions of law, and/or agency action, or to reject all or a portion thereof, and render its own findings, conclusions and proposed action on the officer's certification.

K. Any periods of time designated in this rule for the filing of documents and pleadings, or for scheduling of hearings may be extended by the council for good cause.

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R728-409-21. Division Review - Reconsideration.

A. Except when revocation is recommended for conviction of a felony within~~Within~~ ten days after the date that the director's final order is issued, any party may file a written request for reconsideration, stating the specific grounds upon which relief is requested. The filing of the request is not a prerequisite for seeking judicial review of the order.

B. The request for reconsideration shall be filed with the division by the person making the request.

C.1. The director, or a person designated for that purpose, shall issue a written order granting the request or denying the request.

2. If the director or the person designated for that purpose does not issue an order within 20 days after the filing of the request, the request for rehearing shall be considered to be denied.

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R728-409-23. Judicial Review - Adjudicative Proceedings.

A. At the conclusion of formal adjudicative proceedings, ~~the~~~~The~~ Utah Court of Appeals has jurisdiction to review the director's final order.

B. To seek judicial review of the director's final order, the petitioner shall file a petition for review of agency action in the form required by the Rules of the Utah Court of Appeals.

1. The Rules of the Utah Court of Appeals govern all additional filings and proceedings in the Utah Court of Appeals.

C. The contents, transmittal, and filing of the agency's record for judicial review of formal adjudicative proceedings are governed by the Rules of the Utah Court of Appeals, except that:

1. all parties to the review proceedings may stipulate to shorten, summarize, or organize the record;

2. the Utah Court of Appeals may tax the cost of preparing transcripts and copies for the record:

- a. against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record; or
- b. according to any other provision of law.

c. The scope of judicial review by the Utah Court of Appeals is controlled by Section 63-46b-16(4). Relief granted by the Utah Court of Appeals is controlled by Section 63-46b-17.

D. If peace officer certification is revoked for conviction of a felony after an informal hearing, the district courts have jurisdiction to review the final order pursuant to Sections 63-46b-14 and 63-46b-15.

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R728-409-28. Reconsideration Based on Mistake, Fraud, or Newly Discovered Evidence.

A. Reconsideration of a decision by POST Council, and a new opportunity to be heard, may be granted for any of the following reasons:

1. The decision of POST Council was based on a mistake of law or fact;

2. There was fraud, misrepresentation or misconduct in the adjudicative proceeding; or

3. There is newly discovered material evidence which the party could not, with reasonable diligence, have discovered and produced during the adjudicative proceedings.

B. At any time after a final order is issued, either party may request reconsideration under this rule, by complying with the procedures set forth in R728-409-18(B) through (K).

C. Reconsideration by POST Council pursuant to this rule shall be a two-step process:

1. ~~The~~A written ~~briefs~~request and information outlining the reasons and justification for making the request shall be submitted to a special subcommittee consisting of the presidents of the Chiefs of Police Association and the Sheriffs Association, or their designees, and another POST Council member designated by the Chairman, which shall review the ~~briefs~~request and information provided and decide whether the party seeking consideration has, by a preponderance of the evidence, established that the prior decision was based on one or more of the grounds set forth above. The subcommittee will notify the director of its decision, who will then send out a notice of that decision to both parties.

2. If the subcommittee decides step one in the affirmative, the matter will be scheduled for consideration by POST Council at the next regularly scheduled meeting. POST shall give reasonable notice to the parties of the date, time and location of the meeting. POST Council shall reconsider the correct, clarified or new evidence, and render a decision based on the written ~~briefs~~request and information and oral argument, (if such was timely requested.) Any oral testimony presented to the council shall be under oath, and subject to the penalty of perjury.

3. POST Council's decision shall be communicated to the Director, who shall then notify the parties thereof, in writing and consistent with R728-409-20. The parties will then have the same appeal rights set forth in R728-409-22, 409-23, and 409-24.

D. The definitions set forth in Utah Rules of Civil Procedures, Rules 59 and 60, and interpretive case law thereon, shall apply to determinations under this rule.

KEY: law enforcement officers, certification, investigations, rules and procedures

~~April 15, 1997~~June 1, 1998 53-6-211



Public Safety, Peace Officer Standards
and Training
R728-505
Service Dog Program Rules

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20996

FILED: 04/15/98, 12:12

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This filing is the result of division review.

SUMMARY: The Dog Program at the Division of Peace Officer Standards and Training (POST) has never had administrative rules. It is a program that started a few years ago and this is our first attempt to provide rules to govern it.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 53-6-105

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Steve DeMille or Bonnie Braegger at the above address, by phone at (801) 965-4370 or (801) 965-4099, by FAX at (801) 965-4619, or by Internet E-mail at psdomain.psmain.bbregge@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: Steven D. DeMille, Deputy Director

R728. Public Safety, Peace Officer Standards and Training.**R728-505. Service Dog Program Rules.****R728-505-1. Admission Requirements.**

Persons applying for admission into the Service Dog Training Program shall be sworn personnel representing federal, state,

county, municipal or other agencies. Any question or dispute regarding admissibility shall be submitted in writing to the Service Dog Training Supervisor.

R728-505-2. Training Requirements.

Training requirements in the Service Dog Program are established to provide each student with sufficient knowledge and skill to begin the respective Service Dog task. Training is intended and designed to achieve optimal efficiency in the allotted time. The content and duration of training shall be designated as the "Approved Curriculum." Each training category and skill level has its own specific approved curriculum.

A. Dogs.

Dogs participating in the Service Dog Program shall be trained according to the approved curriculum. The curriculum shall be based on at least the following concepts:

1. successful achievement according to the approved curriculum shall enable the Service Dog to perform in a state-of-the-art professional manner;

2. successful achievement according to the approved curriculum shall enable the Service Dog to perform in a discriminating and humanitarian manner;

3. the approved curriculum must be subject to constant revision and upgrading of the approved curriculum to meet the ever-changing criminal behavior and methodology and also the legal constraints associated with criminal and civil court rulings regarding service dog deployments.

B. Handlers.

Handlers participating in the Service Dog Program shall be trained according to the approved curriculum. The curriculum shall be based on at least the following concepts:

1. successful achievement according to the approved curriculum shall enable the Handler to perform in a state-of-the-art professional manner;

2. successful achievement according to the approved curriculum shall enable the Handler to perform in a discriminating and humanitarian manner;

3. the approved curriculum must be subject to constant revision and upgrading of the approved curriculum to meet the ever-changing criminal behavior and methodology and also the legal constraints associated with criminal and civil court rulings regarding service dog deployments.

C. Instructors.

Instructors participating in the Service Dog Program shall be trained according to the approved curriculum. The curriculum shall be based on at least the following concepts:

1. successful achievement according to the approved curriculum shall enable the Instructor to perform in a state-of-the-art professional manner;

2. successful achievement according to the approved curriculum shall enable the Instructor to perform in a discriminating and humanitarian manner;

3. the approved curriculum must be subject to constant revision and upgrading of the approved curriculum to meet the ever-changing criminal behavior and methodology and also the legal constraints associated with criminal and civil court rulings regarding service dog deployments.

D. Judges.

Judges participating in the Service Dog Program shall be trained according to the approved curriculum. The curriculum shall be based on at least the following concepts:

1. successful achievement according to the approved curriculum shall enable the Judge to perform in a state-of-the-art professional manner;

2. successful achievement according to the approved curriculum shall enable the Judge to perform in a discriminating and humanitarian manner;

3. the approved curriculum must be subject to constant revision and upgrading of the approved curriculum to meet the ever-changing criminal behavior and methodology and also the legal constraints associated with criminal and civil court rulings regarding service dog deployments.

E. Administrators.

Administrators participating in the Service Dog Program shall be trained according to the approved curriculum. The curriculum shall be based on at least the following concepts:

1. successful achievement according to the approved curriculum shall enable the Administrator to perform in a state-of-the-art professional manner;

2. successful achievement according to the approved curriculum shall enable the Administrator to perform in a discriminating and humanitarian manner;

3. the approved curriculum must be subject to constant revision and upgrading of the approved curriculum to meet the ever-changing criminal behavior and methodology and also the legal constraints associated with criminal and civil court rulings, regarding service dog deployments.

d. constant revision and upgrading of the approved curriculum to meet the ever changing personnel-development concepts and employee-related laws and guidelines.

E. Waiver of Training.

1. If a student has gained prior knowledge or skill which would be duplicated in a training course, a written request for waiver may be submitted to the Service Dog Training Supervisor. The request shall include authentication of any training requested to be waived.

2. The Service Dog Training Supervisor shall evaluate the waiver request and determine to what extent a waiver may be granted.

3. No waiver shall be granted which would preclude a minimum of 40 hours observation period during any training course, with the exception of Administrator training, for which no waiver of training shall be granted.

R728-505-3. Graduation Requirements.

Graduation from the Service Dog Program shall be determined according to the knowledge and skill level exhibited. A student's knowledge shall be evaluated by administering a written examination. A student's skill shall be evaluated in the final week of any training course.

A. Scoring.

The passing score for a written examination shall be 80% or higher. Skill level shall be determined according to the following:

1. 96 - 100% = Superior,

2. 90 - 95% = Commendable,

3. 85 - 89% = Typical,

4. 80 - 84% = Suitable,

5. 60 - 79% = Needs Improvement,

6. 0 - 59% = Unsatisfactory.

B. Skills.

Skills shall be evaluated according to one of the following:

1. Superior, denoting exemplary or ideal performance,

2. Commendable, denoting noteworthy or above average performance,

3. Typical, denoting normal or average performance,

4. Suitable, denoting satisfactory or sufficient performance,

5. Needs Improvement, denoting skill exhibited that is just barely below the minimum level performance.

6. Unsatisfactory, denoting little or no skill level exhibited.

C. Reports.

Handlers, Instructors, and Judges shall submit reports according to the approved curriculum. Reports shall be rated according to the appropriate skill level.

D. Written Examinations.

Examinations and quizzes are a necessary method of testing a student's substantive knowledge, reading comprehension, and reasoning abilities, all of which are essential criteria for proper performance of peace officer functions. Handlers, Instructors, Judges and Administrators shall be given written examinations and quizzes as indicated in the curriculum schedule. Examinations are given on the honor basis. Evidence of dishonor shall result in dismissal from the Academy. Written exams are scored, with the minimum passing score to be 80%.

E. Practical Skills Examinations.

Service Dogs, Handlers, Instructors, Judges and Administrators shall be given practical skills examinations as indicated in the curriculum schedule. Examinations are given on the honor basis. Evidence of dishonor shall result in dismissal from the Academy. Students must achieve a rating of "Suitable" in each Practical Skills examination.

F. Failure to Qualify

1. If a student fails a Report, Written Examination or Practical Skills Examination, he/she shall be allowed to take a Make-Up Examination. Regardless of what passing rating or score earned on the Make-Up Examination, the student shall be given the rating of "Suitable" or the score of 80%, depending on which Examination it is. If the Make-Up Examination rating or score is less than passing, the student shall be invited to return at a later date and attend further training in the respective skill or topic. When the Service Dog Training Supervisor deems it reasonable to re-examine the student, another opportunity shall be afforded to challenge the respective examination.

2. If a student fails to achieve a passing rating or score within 12 months of the original examination, the student shall be required to retake the respective course in its entirety before challenging the examination again.

G. Mitigating Circumstances.

1. The Service Dog Training Supervisor shall be empowered with the discretion of deciding if mitigating circumstances should be taken into consideration when a student fails any examination. Mitigating circumstances include, but are not limited to:

a. weather,

b. quality/quantity of Instructors or Judges,

c. equipment problems,

d. medical problems.

2. If the Service Dog Training Supervisor decides there were one or more circumstances beyond the control of the student and the student fails an examination, the Service Dog Training Supervisor may schedule another examination.

H. Physical Training.

1. Patrol Dog Courses.

Physical fitness is especially valuable for Patrol Dogs, Handlers, Instructors, and Judges. Students participating in Patrol Dog courses shall participate in a daily physical training program, as outlined in the approved curriculum. Physical fitness training shall be supervised by the Service Dog Training Supervisor.

2. Detector Dog Courses.

Physical fitness is valuable for Detector Dogs, Handlers, Instructors, and Judges. Students participating in Detector Dog courses may participate in a daily physical training program, as outlined in the approved curriculum. Physical fitness training shall be supervised by the Service Dog Training Supervisor.

3. Administrative Courses.

Physical fitness is valuable for Administrators of Service Dog Units. Students participating in Administrator courses may participate in a daily physical training program, as outlined in the approved curriculum. Physical fitness training shall be supervised by the Service Dog Training Supervisor.

I. Counsel.

Individual counseling is available to any student on request to the Service Dog Training Supervisor.

J. Attendance.

1. Students shall be required to attend all training unless an emergency exists or a valid excuse is given.

2. More than three unexcused absences may result in suspension from the Service Dog Program. Acceptable excuses include but are not limited to illness, court, and death of an immediate family member. Whenever possible, absences shall be cleared through the Service Dog Training Supervisor before the absence occurs. It is the student's responsibility to report when he/she is absent or late. Attendance information may be made available to department heads periodically.

3. Anyone who is tardy three times without an acceptable excuse may be subject to disciplinary action.

K. Grounds for Dismissal From the Service Dog Program.

1. Dogs.

a. The Service Dog Training Supervisor shall have the authority to evaluate Dogs participating in the Service Dog Program and dismiss any Dog which exhibits one or more of the following.

i. Unwarranted aggressive behavior.

ii. Severely deficient performance of any kind.

iii. Any behavior which is deemed to unsafe for any person, including the Handler.

2. Handlers, Instructors, Judges, or Administrators.

a. The Service Dog Training Supervisor shall have the authority to evaluate Handlers, Instructors, Judges, or Administrators participating in the Service Dog Program and dismiss any student who exhibits one or more of the following.

i. Failure to comply with Academy rules.

ii. Evidence of any health condition that would keep the student from successfully completing the respective training course.

iii. Evidence of any conduct that is deemed so inappropriate as to considerably undermine the integrity of the Service Dog Program.

R728-505-4. Health Services and Emergencies.

A. Any person who becomes ill or injured while at the Academy shall notify a member of the Academy staff immediately.

B. The Academy is not authorized funds to pay for prescriptions, x-rays, casts, bandages, medications or out-patient visits to hospitals. Students or their departments shall be expected to pay for the above services and supplies.

C. All personal calls are to be conducted on one of the phones located strategically throughout the building. Collect calls shall not be accepted.

R728-505-5. Classrooms.

A. Students shall be responsible for keeping the classrooms neat and clean. No food, drinks or smoking shall be allowed in the classroom.

B. From time to time, P.O.S.T. shall take portions of the training to locations other than the Academy. While at any of these locations, students shall respect the property of others and conduct themselves accordingly. If any damage occurs, it shall be reported to the Service Dog Training Supervisor as soon as possible.

R728-505-6. Special Regulations.

A. Alcohol and Gambling.

No student shall consume alcohol in any form during the course of the training day. The training day shall be interpreted to mean two hours prior to the first class of the day until the completion of the last class of the day. In circumstances where classes end at 5:00 p.m. and there is scheduled evening or night classes, the last class of the day means the last night class.

1. No alcoholic beverages of any kind shall be brought onto or consumed on the Academy site unless it's part of the training schedule.

2. Gambling shall not be permitted at any time or place on the Academy site.

3. Persons found to be in violation of R728-505-6 shall be dismissed from the Academy.

B. Dress Code.

Students shall maintain a professional appearance at all times. Accordingly, the following dress code shall be adhered to.

1. Classroom.

Students shall wear neat, unsoiled clothing when training in a classroom. Uniforms are suitable but not mandatory.

2. Field.

Students shall wear neat, unsoiled clothing when training in the field. Uniforms are suitable but not mandatory.

3. Demonstrations.

Occasionally, a public demonstration of the Service Dog Training Program occurs. Students shall wear uniforms or official clothing so as to present the optimal professional image.

4. Physical Training.

Physical training shall be administered according to the approved curriculum.

5. Practical Problems.

The training supervisor may allow students to wear appropriate civilian clothing for designated training.

C. Grooming.

All students shall be expected to maintain proper grooming habits at all times. Clothing shall be clean and well cared for. Hair must be clean and neat.

D. Firearms.

1. Any firearm brought into the Academy by a resident student may be surrendered for storage in the weapons vault. Unload all such weapons prior to entering the building. No weapons are allowed in student dormitory rooms under any condition. Weapons may be secured in vehicles if done so such that the weapon is not visible to passers-by.

2. A firearm may be retrieved from the weapons vault at the conclusion of the course or prior to departure on the weekends. Routinely checking the weapon out at the end of each training day shall not be possible.

3. Weapons may be checked out for use on the range, for weekdays, or as directed by the training staff.

4. Any discharge of a weapon on the Academy property, unless a part of the training experience, shall result in immediate suspension from the Academy pending an investigation.

E. Conduct.

1. All students shall be expected to conduct themselves in a professional manner at all times.

2. No loud, abusive, or obscene language shall be permitted unless necessary in a practical exercise.

F. All students shall realize that while at the Academy they shall be directly supervised by their training supervisor and the Academy staff. Therefore, all decisions relative to their training status shall be made by the Service Dog Training Supervisor and approved, where necessary, through the chain of command.

R728-505-7. Lost, Damaged or Destroyed Items.

Students who lose or damage items beyond serviceability shall be required to reimburse the Academy for the replacement value.

R728-505-8. Cost of Training.

Costs of training are borne by the state for In-State students. Out-of-State students shall be charged the currently approved rate.

R728-505-9. Disciplinary Action.

A. Any student who becomes the subject of an inquiry into an allegation of violation of Academy rules or standards shall be dealt with following the procedures outlined in the Procedures for Dismissing Students from Peace Officer Training Programs for Cause found in the P.O.S.T. Policy and Procedure Manual.

B. A violation of any of the Academy rules can result in anyone or more of the following actions.

- 1. Verbal Reprimand.
- 2. Written Reprimand.
- 3. Probation.
- 4. Referral to department for discipline.
- 5. Suspension.
- 6. Dismissal.

C. A student may be prohibited from participating in Academy functions during the course of an inquiry into alleged misconduct.

D. In all cases, the student shall be given the opportunity to speak in his/her behalf before any action is taken.

E. Once an action is decided upon, the student and his/her employing agency shall be immediately notified.

F. In all cases where a student is suspended or dismissed from the Academy, his/her employing agency shall be immediately notified.

G. Students may appeal any decision by following the procedures outlined in the P.O.S.T. Policy and Procedure Manual.

R728-505-10. Dormitory Facilities.

A. Each student occupying the Academy dormitory is required to keep the room clean and orderly and to make the bed daily. Random inspections may be held to insure compliance. When noncompliance is found, the student in violation may be subject to disciplinary action.

B. Damage incurred through neglect or intentional abuse to Academy property shall result in the student or department head being billed for all repairs and replacements.

C. Visitors are not allowed in dormitory rooms. They are invited to visit with students in the lounges.

D. Persons of the opposite sex are strictly forbidden in the dormitory room unless such person has been instructed to be there by the Academy staff. Persons found to be in violation shall be suspended from the Academy.

E. The academy shall not be responsible for personal items left unsecured.

F. Housekeeping Information.

Because of the obvious importance of cleanliness in a group living environment, anyone who demonstrates an unwillingness to follow the Academy's housekeeping guidelines may be required to leave the dormitory facility and provide his/her own housing.

**KEY: police dog training rules*, K-9 training*
June 1, 1998**

**53-6-105
53-6-106
53-6-107**



Public Service Commission,
Administration
R746-365
Intercarrier Service Quality

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 20997
FILED: 04/15/98, 15:33
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Commission proposed a nearly identical rule published on February 15, 1998 (DAR No. 20683). However, a procedural error subjects the February proposed rule to challenge which could prevent the successful implementation of the proposed rule. The Commission has determined that it will begin anew with the proposed rule in this filing. This proposed rule differs from the February proposed rule by having no provisions outlining a dispute resolution process. Such is no longer necessary due to the 1998 Legislature's passage of H.B.115 and enactment of Sections 54-8b-16 and 54-8b-17. The proposed rule is proposed due to Section 54-8b-2.2 which

requires telecommunications corporations to provide interconnection of their networks to other telecommunications corporations. This section requires the commission to establish rules which enables the competitive provisions of telecommunication services.

(DAR Note: H.B. 115 is found at 1998 Utah Laws 96, and will be effective May 4, 1998.)

SUMMARY: This rule establishes the service standards and reporting requirements that telecommunications corporations must fulfill in providing services to other telecommunications corporations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 54-8b-2.2
FEDERAL MANDATE FOR THIS FILING: 1996 Federal Telecommunications Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Unknown.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: Unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Unknown.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/18/98, 10:00 a.m., Room 426, Fourth Floor, Public Service Commission Hearing Room, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: Barbara Stroud, Paralegal

R746-365. Public Service Commission, Administration.

R746-365. Intercarrier Service Quality.

R746-365-1. General Provisions.

A. Application and Authority -- This rule shall apply to telecommunications corporations that are obligated to interconnect facilities and equipment for the mutual exchange of telecommunications traffic pursuant to 54-8b-2.2.

1. This rule provides service standards to ensure that telecommunications corporations, individually and jointly, will engineer, design, equip and provision an efficient public

telecommunications network with attendant operational support systems and joint network planning processes that will:

a. prevent impairment of public telecommunication services attributable to the provisioning of essential facilities and services used to provide local exchange service, including blocking of telecommunications traffic carried by or exchanged between the networks of multiple telecommunications corporations;

b. ensure that each incumbent local exchange carrier timely provides essential interconnection facilities and services to other telecommunications corporations that is at least equal in quality to that provided by the incumbent local exchange carrier to itself or to any of its subsidiaries or affiliates, or to any other carrier with whom the incumbent local exchange carrier interconnects, or provides interconnection facilities and services.

2. This rule defines obligations relating to interconnection and the exchange of traffic that apply only to incumbent local exchange carriers as required by the federal Telecommunications Act of 1996, 47 U.S.C. Sections 251, 256 (a), 271(c)(1)(B)(2)(B)(i) and the Code of Federal Regulations Part 51.311(b).

3. This rule specifies minimum network performance and service quality standards applicable to telecommunications corporations interconnecting pursuant to 54-8b-2.2.

4. This rule establishes specific network monitoring and reporting obligations for incumbent local exchange carriers.

5. Incumbent local exchange carriers with less than 30,000 access lines shall be exempt from this rule until they receive a bona fide request for interconnection made pursuant to the notice and exemption provisions of 47 U.S.C. Section 251 (f).

6. The adoption of this rule by the Commission neither precludes subsequent amendment pursuant to applicable statutory procedures, nor the grant of a temporary exemption by the Commission as provided in R746-100-16, Deviation from Rules.

R746-365-2. Definitions.

A. The meaning of terms used in these rules shall be consistent with their general usage in the telecommunications industry unless specifically defined in 54-8b-2, R746-348, or this rule. As used in this rule, unless context states otherwise, the following definitions shall apply:

1. "Affiliate" -- means, with respect to any telecommunications corporation, a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this subsection, the term "own" means to own an equity interest, or the equivalent, of more than ten percent.

2. "Blocking" -- means the occurrence of insufficient capacity between the end office or tandem of a telecommunications corporation and the end office or tandem of another telecommunications corporation, and includes a call not completed because of insufficient capacity usually evidenced by a fast busy signal or message that circuits are busy.

3. "Busy Hour" -- means the uninterrupted period of 60 minutes during the day when the traffic is at its maximum.

4. "Business Day" -- means any day other than Saturday, Sunday or other day on which commercial banks in Utah are authorized or required to close.

5. "CFR" -- means the Code of Federal Regulations.

6. "Commission" -- means the Public Service Commission of Utah.

7. "Competitive Local Exchange Carrier" (CLEC) -- means an entity certificated to provide local exchange services that does not otherwise qualify as an incumbent local exchange carrier.

8. "End User" -- means the person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency purchasing the telecommunications service for its own use, and not for resale.

9. "FCC" -- means the Federal Communications Commission.

10. "Federal Act" -- means the Federal Telecommunications Act of 1996, 47 U.S.C.

11. "Firm Order Confirmation" (FOC) -- means notice provided by one telecommunications corporation to another in electronic or manual form of acceptance of a service order and the date that the service order will be completed.

12. "Held Service Order" -- means a written or electronic order for an essential interconnection service or facility that is not filled on or before the standard installation interval or the date specified in a FOC, whichever occurs first.

13. "Incumbent Local Exchange Carrier" (ILEC) -- is defined as it is in R746-348, Interconnection.

14. "Interoffice Trunk Facilities" -- means the facilities, including transport, switching and cross-connect facilities, necessary for the transmission and routing of telephone exchange service between two end offices, or an end office and a tandem office.

15. "Local Exchange Carrier" -- means a telecommunications provider, authorized by the Commission, that provides local exchange service in a defined geographic service territory.

16. "Network Element" or "Network Facility" -- is defined as it is in R746-348-2, Interconnection.

17. "Order Completion Notification" (OCN) -- means notice provided by one telecommunications corporation to another in electronic or manual form that a service order has been completed.

18. "OSS Interface" -- means a system of communications links, computer hardware and software and associated equipment providing access into an ILEC's operational support systems for human-to-computer or computer-to-computer communication. This definition is conjunctive to the definition of "operational support" contained in R746-348-2, Interconnection.

19. "Service Order" -- means a written or electronic request for essential facilities or services made to effectuate 54-8b-2.2 and section 251 of the federal act.

20. "Trouble Report" -- means an oral, written or electronic report received by a telecommunications corporation from an end user of public telecommunications service, or, an oral, written or electronic report received by one telecommunications corporation from another who purchases essential facilities or services from the former. In either case, a Trouble Report communicates improper functioning of facilities over which the providing telecommunications corporation exercises control. A trouble report is used by telecommunications corporations to monitor repair and maintenance actions required for disposition of out-of-service or substandard service conditions.

21. "Wholesale Services" -- means essential services available to telecommunications corporations for the purpose of resale to end users.

22. "Wire Center" -- means a building that contains the necessary telecommunications facilities and functions to terminate,

switch, route and interconnect local exchange, interoffice, and interexchange public telecommunication services.

R746-365-3. Network Obligations Applicable to All Telecommunications Corporations.

A. Compliance With Existing Rules -- Telecommunications plant shall be designed, constructed, maintained and operated in compliance with R746-340, Substantive Rules Governing Telecommunications Utilities unless a telecommunications corporation receives a waiver or exemption by Commission order. The term "public," as used in R746-340, shall include telecommunications corporations seeking interconnection with an other telecommunications corporation.

B. Engineering -- All telecommunications corporations shall construct network facilities in conformance with network design standards and specifications promulgated and published by industry standards-setting bodies such as the Alliance for Telecommunications Industry Solutions, the American National Standards Institute, the Committee T1-Telecommunications of the Alliance for Telecommunications Industry Solutions, Bellcore, the Consultative Committee on International Telegraphy and Telephony, the Institute for Electrical and Electronic Engineers, the International Telecommunications Union and the Internet Engineering Task Force.

C. FCC Compliance -- Telecommunications corporations shall comply with network performance rules promulgated by the FCC under authority of the federal act if stricter than those contained in this rule.

D. Negotiated Standards -- Interconnecting telecommunications corporations may voluntarily agree to performance standards for essential network facilities and services that are stricter than those contained in this rule.

R746-365-4. Service Quality Obligations.

A. Service Quality Obligations Applicable to All Telecommunications Corporations --

1. Carrier Provisioning Intervals -- Each telecommunications corporation shall provide essential facilities and associated services in accordance with the following provisioning intervals and shall separately measure each provisioning interval for commonly used circuit or facility types. The provisioning interval is the elapsed time measured in hours from a telecommunications corporation's receipt of a service order to return of an OCN. The percentage of service orders completed on time will be determined by the number of orders completed within the installation interval or the committed due date specified in a FOC. The cumulative elapsed time for each circuit or facility type is divided by the total number of corresponding completed service orders for each circuit or facility type to derive measures of service order flow-through, as further enumerated in R746-365-5.

a. Interoffice Trunking Facilities -- Pursuant to forecasting requirements established in R746-365-5, forecasted trunk, routing and switching facilities shall be provisioned to any requesting local exchange carrier within 30 days of receipt of a service order 90 percent of the time, unless otherwise agreed to by the requesting carrier. A telecommunications corporation shall return a FOC within two days of receipt of a service order from another telecommunications corporation.

(i) Service Orders Presented Under Approved Forecasts -- A telecommunications corporation shall be obligated to complete all service orders for essential facilities and services requested by an other telecommunications corporation that comport with four month projections contained in a joint forecast developed pursuant to R746-365-6(C).

b. Interim Number Portability -- Until permanent number portability is implemented, telecommunications corporations shall provide interim number portability. The installation interval for interim number portability shall not exceed three days following receipt of a service order 90 percent of the time.

2. Trouble Reports --

a. Receipt, Investigation and Recording -- Each telecommunications corporation shall provide for the receipt of trouble reports 24 hours a day, seven days a week. Each telecommunications corporation providing public telecommunications service shall investigate and respond to each trouble report. Each telecommunications corporation shall maintain a record of trouble reports made by end users and other telecommunications corporations which complies with R746-365-5(B)(4).

b. Emergency Out-of-Service -- Provisions shall be made to clear emergency out-of-service trouble at all hours, consistent with the public interest and the personal safety of a telecommunication corporations personnel. Emergency or alternative service shall be provided local law enforcement and public safety agencies during the period of any network interruption.

c. Notice of Unusual Repairs and Planned Interruptions -- If unusual repairs preclude prompt disposition of a reported trouble, telecommunications corporations shall notify all affected telecommunications corporations. If service must be interrupted for purposes of rearranging facilities or equipment, the work shall be accomplished in the manner least disruptive to other telecommunications corporations and which minimizes public inconvenience. Each telecommunications corporation shall notify each affected telecommunications corporation in advance of a planned interruption.

d. Repair Intervals -- Each telecommunications corporation shall seek to clear out-of-service trouble reports received from another telecommunications corporation within two hours of receipt 90 percent of the time, unless the trouble requires unusual repair, or carriers have agreed to other repair intervals. The repair interval for clearing a trouble between telecommunications corporations is the elapsed time measured in hours and tenths of hours from the time a trouble report is received by a telecommunications corporation to the time the telecommunications corporation returns a valid trouble resolution notification. Elapsed time shall be measured by common circuit or facility types and trouble disposition and closure recorded in accordance with R365-5(B)(4).

3. Network Performance Levels -- Each telecommunications corporation shall engineer, furnish and install essential facilities and services designed to meet busy hour demand, and to prevent blocking. The following minimum network performance standards apply to:

a. Interoffice Facilities --

(i) Local and extended area service interoffice trunk facilities shall have a minimum engineering design standard of (P.01) grade of service.

(ii) Intertandem facilities shall have a minimum engineering design standard of B.0025 (P.0025) grade of service.

b. Outside Plant -- Each telecommunications corporation shall engineer, construct and maintain cable and wire between an end user network interface device and the serving wire center in conformance with current industry standards, as described in R746-365-3(B), and common engineering practices.

B. Service Quality and Other Network Obligations Applicable to ILECs --

1. Operational Support Systems --

a. OSS Interfaces -- Each ILEC shall undertake all commercially reasonable efforts to implement within 180 days of publication industry standards or guidelines issued by the Alliance for Telecommunications Industry Solutions (ATIS) that facilitate parity of access to operational support systems the incumbent local exchange carrier uses to store and retrieve information related to network engineering and administration. The Commission may by rulemaking adopt published OSS Interface standards or guidelines effecting other telecommunications corporations' access to Operational Support Systems if the rule facilitates automated allocation of network resources and capacity.

b. FCC Compliance -- ILECs shall comply with rules or standards for OSS interfaces promulgated by the FCC under authority of the federal Act, including any time frames specified therein if shorter than that provided above.

c. Testing of OSS Interfaces -- Each ILEC shall upon request jointly conduct with one or more telecommunications corporations testing of OSS interfaces used to obtain access to operational support systems. OSS Interface testing shall commence not more than 45 days after a request for testing is received by an ILEC. The ILEC and the telecommunications corporation(s) shall determine the duration of tests which shall be conducted among noncommercial end user accounts. No unreasonable limitation shall be imposed by an ILEC on an other telecommunications corporation's ability to test intercarrier OSS Interfaces to ensure compatibility between ILEC and the other telecommunications corporation's operational support systems.

2. Network Provisioning Intervals -- Each ILEC shall provide essential facilities and services that comply with the following installation intervals:

a. Network Elements -- Each ILEC shall provision essential network facilities and services in accordance with the following intervals and shall measure provisioning intervals for each of the following loop facilities and services as described in R746-365-5-(C)(3)(c).

(i) Unbundled Loops -- Provisioning intervals for an unbundled loop will vary by circuit and facility type, the number of loops requested on a service order, availability of facilities and whether or not a dispatch of ILEC personnel must occur. The following essential facilities will be provisioned for telecommunications corporations within the specified intervals.

TABLE

Facility Type	Quantity	Interval
DSO or analog equivalent, dispatch, facilities available:	1 - 24	5 days
	24- n	negotiated

DSO or voice grade equivalent, no dispatch:	1 - 24	3 days
	24 - n	7-10 days DS1
-- Facilities provisioned and available:		5 days
ISDN -- Facilities provisioned and available:		7 days
XDSL -- Facilities provisioned and available:		7 days
DS3 -- Facilities provisioned and available:		7 days
OC3-Higher -- Facilities provisioned and available:		15 days

b. Wholesale Services -- Installation intervals for wholesale services shall vary depending upon whether an existing end user service provided by an ILEC is migrated to an other telecommunications corporation, or, is a new service installation.

(i) An ILEC shall migrate wholesale services without changes for an existing end user served by the ILEC within 24 hours following receipt of a service order from the telecommunications corporation.

(ii) An ILEC shall migrate wholesale service with changes for an existing end user served by the ILEC within three days following receipt of a service order from the telecommunications corporation.

(iii) An ILEC shall install new wholesale service to a new end user, if facilities are available, within three days following receipt of a service order from the telecommunications corporation.

c. Collocation -- The following provisioning intervals and optional arrangements are common to both virtual and physical collocation:

(i) Upon receipt by an ILEC of a request for collocation, the ILEC shall within 15 days notify the telecommunications corporation whether sufficient space exists. If the telecommunications corporation disputes an ILEC's denial of a request for collocation, and the carriers cannot negotiate a mutually satisfactory resolution, the telecommunications corporation may petition the Commission pursuant to R746-365-8(B) for an expedited hearing and resolution of the dispute. The burden shall be on the ILEC to demonstrate to the Commission that collocation is not practical due to space limitations or is technically infeasible.

(ii) If collocation is available, the ILEC shall within 25 days following receipt of a request for collocation provide a written quotation containing all non-recurring charges for construction of the telecommunications corporation's requested collocation arrangement.

(iii) The telecommunications corporation shall within 30 days following receipt of the ILEC's quotation, by written notice to the ILEC: 1) accept the quotation; 2) withdraw the request for collocation; or, 3) provide the ILEC an independent contractor quotation for construction of the requested collocation arrangement.

(iv) If the telecommunication corporation accepts the quotation from the ILEC, collocation equipment shall be installed on the ILEC's premises in accordance with the following provisioning intervals: 1) For physical collocation arrangements, the ILEC shall within 45 days of the telecommunication corporation's acceptance of the ILEC's quotation complete construction of the collocation space necessary and sufficient for installation of the CLEC's collocated interconnection facilities. The ILEC shall grant the telecommunications corporation access to the collocation space to install network elements therein. 2) For virtual collocation arrangements, the ILEC shall within 45 days after delivery of the telecommunication corporation's collocation equipment complete provisioning of all network facilities ordered by the telecommunications corporation.

(v) If the telecommunication corporation provides the ILEC an independent contractor quotation for construction associated with a collocation arrangement, the ILEC shall within 15 days of receipt of the quotation: 1) accept the proposal and grant to the independent contractor access to the ILEC's premises to complete construction of the collocation space and installation of the collocated interconnection facilities; 2) amend the ILEC's own quotation to perform on substantially similar terms, including, without limitation, price, the services specified in the independent contractor's quotation. If the telecommunication corporation accepts the ILEC's amended quotation, construction of the collocation space shall proceed as described in R746-365-4(B)(3)(c)(iv); or, 3) reject the proposal. If the ILEC refuses to accept an independent contractor quotation or amend its own quotation, the telecommunications corporation may petition the Commission for an expedited hearing and resolution of the dispute pursuant to R746-365-8(B).

R746-365-5. Monitoring and Reporting Requirements.

A. Availability and Retention of Records --

1. Availability of Records -- Each telecommunications corporation shall make network engineering and administrative records available for inspection by the Commission or its designee during normal operating hours.

2. Retention of Records -- All information required by this rule shall be preserved for at least 36 months after the date of entry.

3. Information Maintained -- Each telecommunications corporation shall maintain records of its network engineering and administrative operations in sufficient detail to permit review of network performance, provisioning intervals and general service quality provided other telecommunications corporations.

4. Rights of Division of Public Utilities -- Upon request made by the Division of Public Utilities, a telecommunications corporation shall provide within seven business days copies of any information requested. The Division of Public Utilities may request frequent monitoring of network performance, provisioning intervals and general service quality if evidence exists that public telecommunications services are impaired.

5. Special Study -- When requested by the Division of Public Utilities (the Division), an ILEC may file a study with the Division of Public Utilities evidencing actual provisioning intervals for network facilities and services or actual repair intervals for services provided a retail affiliate, or, aggregated provisioning and repair intervals for facilities and services provided it's ten largest customers. The Division shall investigate the source of the ILEC's operational support evidence and, at its discretion, petition the Commission pursuant to R746-100-16, Deviation from Rules. If the Commission grants consideration of such a petition, intervenors may audit the ILEC's operational support evidence underlying the results of its study.

B. Network Monitoring and Performance Reporting Obligations Applicable to All Telecommunications Corporations --

1. Monitoring -- Each telecommunications corporation shall monitor the use of its network so as to:

a. issue the reports required by this section; and

b. monitor the use of all trunk groups and other interconnection facilities and equipment on its own side of the point of interconnection between its network and the network of each interconnecting telecommunications corporation.

2. Call Blocking -- Each telecommunications corporation shall maintain a daily record, by wire center, of call blocking. The record shall indicate the percentage of calls blocked by trunk group utilized by each interconnecting telecommunications corporation. Each telecommunications corporation shall notify an interconnecting telecommunications corporation immediately if call blocking on any trunk group within in any wire center exceeds standard industry levels specified in R746-365-4(A)(2).

3. Held Service Orders -- Each telecommunications corporation shall maintain a record, by wire center, of each instance when it fails to supply essential facilities and services to an interconnecting telecommunications corporation in accordance with the provisioning intervals established in R746-365-4. The record shall provide the following data:

- a. the name and address of the telecommunications corporation;
- b. the circuit or facility type requested in the service order;
- c. the date and hour the service order was received;
- d. the reason for the delay;
- e. the number of days the order has been held;
- f. the expected order completion date for each service order;
- h. whether an initial service order was supplemented by the requesting telecommunications corporation and, if so, the date and time the supplement was approved by the providing carrier;

i. a copy of the FOC provided the requesting telecommunications corporations.

4. Carrier Trouble Reports -- Each telecommunications corporations shall maintain a record, by wire center, of trouble reports received from another telecommunications corporations. The record shall:

- a. identify the telecommunications corporation experiencing trouble;
- b. the affected services;
- c. the time, date and nature of the report;
- d. the cause and action taken to clear the trouble and its recorded disposition;
- e. the date and time of trouble clearance.

C. Performance Monitoring and Reporting Obligations Applicable to ILECs --

1. Service Provisioning Reports -- Each ILEC will provide interconnecting telecommunications corporations performance monitoring reports detailing the ILEC's provisioning of:

- a. services to the ILEC's retail customers in the aggregate;
- b. essential facilities and services provided to itself or any retail affiliate purchasing interconnection or access;
- c. essential facilities and services provided in the aggregate to other telecommunications corporations purchasing interconnection; and
- d. essential facilities and services provided to individual telecommunications corporations purchasing interconnection.

2. Service Response Description -- The ILEC shall develop a detailed narrative description of the procedures it employs in responding to calls from:

- a. its retail customers;
- b. its affiliated customers purchasing essential facilities and services for interconnection or local exchange access;
- c. interconnecting telecommunications corporations; and
- d. The service response description will be made available upon request to telecommunications corporations purchasing

essential facilities and services for interconnection. The ILEC shall comply with the procedures outlined in its service response description.

3. Performance Monitoring Reports -- Performance monitoring reports shall include the following reports in addition to any additional reports the Commission may request:

a. Pre-Ordering Data -- Pre-ordering data means network administration data that resides in an ILECs operational support systems that includes, but is not limited to: facility availability, service availability, customer service records, appointment scheduling, telephone number reservation, feature function availability, and street address validation.

(i) Average OSS Response Interval for Pre-Ordering Data -- This report measures average response time per transaction for: customer service records; due date availability, address validation, feature function availability and telephone number selection and reservation. It shall be measured as: the Average Response Interval. The Average Response Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences between minuends expressed in Query Response date and time and subtrahends expressed in Query Submission date and time, the sum total dividend being divided by a divisor expressed as the number of Queries submitted in the reporting period.

(ii) OSS Interface Availability -- This report measures the percentage of time an OSS Interface is actually available for use compared to scheduled availability. It shall be measured as: the Percent System Availability. The Percent System Availability will equal the quotient of the following formula: the dividend expressed in the hours the OSS Interface functionality is actually available to CLECs during the report period divided by a divisor expressed in the number of hours the functionality was scheduled to be available during the reporting period, the quotient being expressed as a percentage.

b. Ordering --

(i) Firm Order Confirmation Timeline -- This report measures the average interval from receipt of a service order to distribution of an order confirmation notice. It shall be measured as: measured as the Mean FOC Interval. The Mean FOC Interval will equal the quotient of the following formula: the dividend expressed as the sum total of the differences of minuends expressed as the date and time of Firm Order Confirmation (FOCs) and subtrahends expressed as the date and time of Order acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders confirmed in the reporting period.

(ii) Reject Timelines -- This report measures average response time from receipt of service order to distribution of rejection notice. It shall be measured as: the Mean Reject Interval. The Mean Reject Interval will equal the quotient of the following formula: a dividend expressed as the total sum of the difference of minuends expressed as the date and time of Order Rejection and subtrahends expressed as the date and time of Order Acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders Rejected in the reporting period.

(iii) Percentage Rejects -- This report measures the percentage of total service orders received and rejected by the ILEC due to errors or omissions in the service order.

(iv) Timeliness of Order Completion Notification -- This report measures average response time from the actual completion date to distribution of service order completion notification. It shall

be measured as: the Completion Interval. The Completion Interval shall equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Notice of Completion issued to the telecommunications corporations and subtrahends expressed as the date and time of Work Completion by the ILEC, the sum total dividend being divided by a divisor expressed as the number of Orders completed during the reporting period.

(v) Held Order Interval -- This report measures uncompleted orders where the committed due date on a firm confirmation order has passed. It shall be measured as: the Mean Held Order Interval. The Mean Held Order Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the reporting period close date and subtrahends expressed as the Committed Order Due date, the sum total dividend being divided by a divisor expressed as the number of Orders Pending and Past the Committed Due Date.

c. Provisioning --

(i) Average Completion Interval -- This report measures the average time from an ILECs receipt of service order to the completion date provided on an OCN. It shall be measured as: the Average Completion Interval. The Average Completion Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the OCN date and time and subtrahends expressed as the Service Orders Submission date and time, the sum total dividend being divided by a divisor expressed as the count of Orders completed in the reporting period.

(ii) Percentage of Orders Completed On Time -- This report measures the percentage of total orders completed on or before the completion date provided on an OCN. It shall be measured as: the Percent Orders Completed on Time. The Percent Orders Completed on Time will equal the quotient of the following formula: a dividend expressed as the count of Orders Completed within ILEC Committed Due Date and a divisor expressed as the count of Orders Completed in the reporting period, the quotient being expressed as a percentage.

(iii) Percentage Missed Installation Appointments -- This report measures the percentage of service orders where installation of wholesale service is not performed at a time in which the customer concurs which appears on a firm order confirmation. It excludes misses when the CLEC or end user causes the missed appointment. It shall be measured as: the Percentage Missed Installation Appointments. The Percentage Missed Installation Appointments will equal the quotient of the following formula: a dividend expressed as the count of Wholesale appointments missed and a divisor expressed as the count of Wholesale Orders completed in the reporting period, the quotient being expressed as a percentage.

(iv) New Service Installation Trouble Within 30 Days -- This report measures the percentage of new service installations which prove defective within 30 days following completion of a service order. It shall be measured as: the Percentage New Service Installation Trouble within 30 days. The Percentage New service Installation Trouble within 30 days will equal the quotient of the following formula: a dividend expressed as the count of defective New Service Install in the past 30 days divided by a divisor expressed as the count of total New Service Installs in the past 30 days; the quotient being expressed as a percentage.

d. Maintenance --

(i) Trouble Report Rate -- This report measures the frequency of direct or referred trouble report incidents across a universe of facilities where the cause is determined to be in network facilities. It is measured as a percentile of lines or circuit types in service. It shall be measured as: the Trouble Report Rate. The Trouble Report Rate will equal the quotient of the following formula: a dividend expressed as the count of Initial and Repeated Trouble Reports in the reporting period divided by a dividend expressed as the number of Service Access Lines in service at the end of the reporting period; the quotient being expressed as a percentage.

(ii) Missed Repair Appointments -- This report measures the percentage of trouble reports not cleared by the committed date and time. It excludes misses where the telecommunications corporation or end user caused the missed appointment. It shall be measured as: the Percentage Missed Repair Appointments. The Percentage Missed Repair Appointments will equal the quotient of the following formula: a dividend expressed as the count of Repair Appointments Missed divided by a divisor expressed as the count of Total Appointments; the quotient being expressed as a percentage.

(iii) Mean Time to Restore -- This report measures the restoral interval for resolution of maintenance and repair troubles. It measures the elapsed time from receipt of a trouble report to clearing and disposition. It shall be measured as: the Mean Time to Restore. The Mean Time to Restore will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Ticket Closure and subtrahends expressed as the date and time of Ticket creation, the sum total dividend being divided by a divisor expressed as the count of Trouble Tickets Closed in the reporting period.

(iv) Percentage Repeat Trouble Reports Within 30 Days -- This report measures the percentage of trouble reports on a line or circuit that has had a previous trouble report in the preceding 30 days. It shall be measured as: the Repeat Trouble Rate. The Repeat Trouble Rate will equal the quotient of the following formula: a dividend expressed as the count of Service Access Lines generating more than one Trouble Report within a continuous 30 day period divided by a divisor expressed as the number of Trouble Reports in the report period; the quotient being expressed as a percentage.

e. Billing --

(i) Timeliness of Daily Usage Feed -- This report measures the interval in hours between the recording of usage data and the transmission in proper format to a telecommunications corporation. It shall include usage originating at ILEC switches, resale and UNE switching, and not alternately billed messages received from other ILECs. It shall be measured as: the Mean Time to Provide Recorded Usage Records. The Mean Time to Provide Recorded Usage Records will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the data set transmission time and subtrahends expressed as the time of message recording the sum total dividend being divided by a divisor expressed as the count of all messages transmitted in the reporting period; the quotient being expressed as a percentage.

f. Specific Performance Monitoring Reports -- The Commission, the Division of Public Utilities or a telecommunications corporation may request from the ILEC a

report on a specific basis rather than on an average basis with respect to any of the information described in the foregoing performance monitoring reports.

4. Identifiable Carrier-Specific Information -- An ILEC shall ensure that any carrier specific information contained in the performance monitoring reports is disclosed only to the individual carrier. The ILEC shall not use any information specific to a carrier for any purpose other than the reporting requirements contained herein.

R746-365-6. Joint Planning and Forecasting.

A. Planning --A telecommunications corporation will meet with an other telecommunications corporation to participate in joint forecasting and planning as necessary to accommodate the design and provisioning responsibilities of both telecommunications corporations. At a minimum, an ILEC and a CLEC will meet once every calendar quarter.

B. Forecasting --

1. Forecasting is the joint responsibility of the ILEC and the CLEC. A forecast of interconnecting trunk group and other facilities and equipment required by the ILEC and the CLEC is required on a quarterly basis. The quarterly forecast shall project requirements for the following time intervals:

- a. four months;
- b. one year; and
- c. three years.

To the extent practical, the one-year and three-year forecasts will be supplemented with historical data from time to time as necessary to improve the accuracy of the forecasts.

2. The forecasts shall include, for tandem-switched traffic, the quantity of the tandem-switched traffic forecasted for each end office.

3. The use of Common Language Location Identifier (CLLI-MSG) shall be incorporated into the forecasts.

4. The forecasts shall include a description of major network projects anticipated for the following year that could affect the other party to the forecast. Major network projects include trunking or network rearrangements, shifts in anticipated traffic patterns, or other activities that are reflected by a significant increase or decrease in trunking demand for the succeeding forecasting period.

5. The forecasts, in narrative form, shall also describe anticipated network capacity limitations, including any trunk groups when usage exceeds 80 percent of the trunk group capacity, and the procedure for eliminating capacity problems before any trunk group experiences blocking in excess of the standards set forth in R746-365-5(B)(2).

6. The forecasts shall include the requirements of the ILEC and the CLEC for each of the following trunk groups:

- a. intraLATA toll and switched access trunks;
- b. EAS and local trunks;
- c. directory assistance trunks;
- d. 911 and E911 trunks;
- e. operator service trunks;
- f. commercial mobile radio service and wireless traffic; and
- g. meet point billing trunks.

7. Unless otherwise agreed, forecasting information exchanged between interconnecting local exchange carriers, or disclosed by one interconnecting local exchange carrier to the other, shall be deemed confidential and proprietary.

C. Procedure for Forecasting --

1. At least 14 days before a scheduled joint planning and forecasting meeting, the ILEC and the CLEC shall exchange information necessary to prepare the forecast described in R746-365-6(B). At a minimum, the ILEC will provide the CLEC with the following information.

a. Existing Interconnection Locations -- For existing interconnection locations between the ILEC and the CLEC, the ILEC shall provide:

(i) blocking reports, at the individual trunk group level, detailing blocking at each end office, including overflow volumes, and blocking between the ILEC's end offices and tandem switches;

(ii) the existence of any network switching, capacity or other constraints.

(iii) any network reconfiguration plans for the ILEC's network.

b. New Markets -- The CLEC may request the following information concerning a specific market area in the ILEC's service territory into which the CLEC desires to expand its own network:

(i) The ILEC's network design and office types in the market area, including trunk quantities, by trunk group, to and from each office/tandem, for all tandems and subtending end offices.

(ii) The capabilities of the ILEC's network in the market area.

(iii) The office line counts in the market area divided between residential and business end users.

(iv) The anticipated growth of the ILEC's network in the market area.

(v) Any plans of the ILEC to reconfigure its network in the market area.

b. The CLEC will provide the ILEC with the following information:

(i) The number of trunk lines requested and the projected century call second loads used to formulate such request.

(ii) The business and residential mix of the projected customer base.

(iii) Whether internet providers will be served and the projected number of internet provider lines needed.

(iv) The projected busy hour(s) of the trunk groups.

(v) The expected blocking level for the tandem switch, the direct final end office, the expected century call seconds on busy hours - how many century call seconds the last idle trunk line will carry.

(vi) Whether equal originating and terminating traffic loads can be anticipated to the requested trunking groups.

(vii) The projected service dates for the requested trunking groups for the first quarter forecasted.

(viii) The CLEC's rationale for direct trunk groups to any particular end office.

(ix) Any ramp up time anticipated for the use of the requested trunk lines, and an estimate of when the trunk group will reach capacity limits.

(x) Whether the CLEC requests usage and overflow data on the trunk groups which are directly connected to the ILEC's end offices.

2. The CLEC shall prepare a joint forecast consistent with the requirements of R746-365-6(B) and shall submit the forecast to the ILEC at least seven days before the scheduled joint planning meeting.

3. Prior to the scheduled joint planning meeting, the ILEC shall notify the CLEC whether the ILEC accepts the four month forecast, rejects the four month forecast, or proposes specific modifications to the four month forecast.

a. If the ILEC rejects the four month forecast or proposes modifications to the forecast, the ILEC shall submit a written statement to the CLEC outlining the reasons why the forecast, as prepared by the CLEC, is unacceptable. The statement shall be supported by written documentation to support the ILEC's position.

b. At the joint planning meeting, the ILEC and the CLEC may agree on the terms of the four month forecast, as initially presented by the CLEC, or with modifications proposed by the ILEC and agreed to by the CLEC. If no agreement is reached, the ILEC and the CLEC shall jointly outline all areas of disagreement.

4. If the ILEC and the CLEC cannot agree on the terms of the quarterly four month forecast, either local exchange carrier may commence an expedited dispute resolution proceeding before the Commission, as provided in R746-365-8(B). In that proceeding, the burden of persuasion shall be on the ILEC to demonstrate that the four month quarterly forecast submitted by the CLEC is unreasonable.

5. To the extent the ILEC and the CLEC agree to the terms of a forecast, such terms shall be deemed approved for purposes of this section, and only those portions of the quarterly forecast actually in dispute shall be subject to the expedited dispute resolution proceeding.

6. If the ILEC and the CLEC agree on a four month quarterly forecast, or, to the extent a forecast is approved by the Commission pursuant to the expedited dispute resolution proceeding, the ILEC shall be obligated to satisfy all service order requests made by the CLEC that are consistent with the four month projections contained in the approved forecast. Compliance with the terms of the forecast shall be based on the network provisioning interval standards set forth in R746-365-4(B)(3).

D. Capacity Beyond the Four Month Forecast -- If the CLEC desires to order trunk groups, equipment, or facilities beyond the four month forecast, but consistent with the one-year and three-year forecast, the CLEC may order the additional quantity if it pays a recurring retained capacity charge to the ILEC.

E. Trunk Group Underutilization -- If a trunk group is under 60 percent of centum call seconds (ccs) capacity on a monthly average basis for each month of any three month period, either the ILEC or the CLEC may request to resize the trunk group, which resizing will not be unreasonably withheld. If the resizing occurs, the trunk group shall not be left with less than 25 percent excess capacity. In all cases the network performance levels and the network provisioning intervals as set forth in R746-365-4(A)(2) and R746-365-4(B)(3) shall be maintained. If the ILEC and the CLEC cannot agree to a resizing, either of them may file a petition with the Commission for an expedited dispute resolution proceeding as provided in R746-365-8(B).

F. Point of Contact -- The ILEC and the CLEC will each provide a specified point of contact for planning, forecasting and trunking servicing purposes. The specified point of contact shall have all authority necessary to fulfill the responsibilities as set forth in this section.

R746-365-7. Remedies.

A. Commission Assessed Penalties -- The Commission may assess penalties, as provided in 54-7-25, against any telecommunications corporation that fails or refuses to comply with this rule, including, without limitation, the provisioning and forecasting provisions contained in this rule.

B. Carrier Charges and Offsets --

1. Failure to Comply with This Rule -- If a telecommunications corporation fails to meet the network obligations, service quality obligations, reporting and monitoring requirements, or other duties imposed on it by this rule, any affected telecommunications corporations may file a petition with the Commission to enforce the provisions of this rule. The proceeding may be brought on an expedited basis as provided in R746-365-8(B).

2. Service Interruption -- A telecommunications corporation shall be entitled to a billing credit against amounts owed to an other telecommunications corporation for service interruption as follows:

a. If the telecommunications corporation's service or facility from another telecommunications corporation is interrupted and remains out-of-service for more than four but less than eight continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to one tenth of the providing telecommunications corporation's monthly rate for the affected service.

b. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than eight but less than 24 continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to the providing telecommunications corporation's monthly rate for the affected service.

c. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than 24 continuous hours after being reported by the-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to three times the providing telecommunications corporation's monthly rate for the affected service.

KEY: interconnection, telecommunications, public utilities

1998

54-8b-2.2

◆ _____ ◆

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends June 1 1998. At its option, the agency may hold public hearings.

From the end of the waiting period through August 29, 1998, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by UTAH CODE Section 63-46a-6 (1996); and UTAH ADMINISTRATIVE CODE Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Drinking Water
R309-114
Drinking Water Source Protection
Funding

PO Box 144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Sumner Newman at the above address, by phone at (801)
536-4200, by FAX at (801) 536-4211, or by Internet E-mail at
snewman@deq.state.ut.us.

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20693
FILED: 04/06/98, 10:40
RECEIVED BY: NL

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO
LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/12/98

AUTHORIZED BY: Dianne R. Nielson, Executive Director

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Division has
decided to revise the original proposed rule based on
comments from the public received during the public
comment period. This revision allows the same
reimbursement for the cost of source protection plans to
systems that do not "have a median adjusted gross income
that is less than the state-wide median adjusted gross
income for Utah," if they are part of a group of public water
systems in which at least 50% of the systems meet this
criterion. These systems must still meet all of the other
eligibility criteria listed in the rule. This revision provides an
incentive for systems to group together to do their source
protection plans.

SUMMARY: This rule is intended to help small public drinking
water systems fund the development of their Drinking Water
Source Protection plans. It establishes criteria to ensure that
small public water systems with the greatest financial need
receive funding. Small public water systems shall be eligible
for 50%, not to exceed \$2,500, of the actual costs for each
ground-water source of drinking water for which they prepare
and submit to the Division a complete Drinking Water Source
Protection Plan.

(DAR Note: The original proposed new rule upon which this
change in proposed rule is based was published in the
February 15, 1998, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS
FILING: Subsection 19-4-104(1)(a)(iv)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.
❖OTHER PERSONS: \$1,000,000 savings to small public
drinking water systems.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Small public
drinking water systems may be reimbursed at the rate of fifty
percent, not to exceed \$2,500, of actual costs for each
ground-water source of drinking water.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING
REGULAR BUSINESS HOURS, AT:
Environmental Quality
Drinking Water
150 North 1950 West

R309. Drinking Water.
R309-114. Drinking Water Source Protection Funding.

.....

R309-114-5. Eligibility Criteria and Application for Funds.

(1) In order to be eligible for these funds, a small public water
system must:

- (a) Have been in existence as of the initial effective date of
R309-113 (July 26, 1993);
(b) have more than 50 percent of the dwelling units served by
the system occupied by permanent, year-round residents;

(c) have a median adjusted gross income that is less than the
state-wide median adjusted gross income for Utah; however, if a
group of small public water systems located in the same geographic
area selects a single consultant who prepares and submits all their
source protection plans together, and at least 50% of the systems in
the group meet this income level criterion, then all systems in the
group, or the group as a whole, shall be deemed to meet this
criterion;

(d) be a community water system, or a non-transient, non-
community water system that is not associated with or owned by a
for-profit entity, and is not owned/operated by a federal or state
government agency; and

(e) submit complete DWSP Plans to DDW by the due dates
indicated in R309-113-3. No DWSP Plans submitted to DDW after
December 31, 1999 shall be eligible for these funds.

(2) In addition, only DWSP Plans prepared for drinking water
sources that were existing (approved by DDW) as of July 26, 1993
shall be eligible for these funds.

(3) Application for Funds - In order to apply for and receive
funds, small public water systems must submit a letter of
application, with the complete DWSP Plan, to DDW. The letter of
application must be accompanied by documentation of actual costs
incurred in preparing the DWSP Plan(s), and certify that these costs
are actual and correct. The letter must also certify that the water
system meets the eligibility criteria stated above, and be signed by
the water system manager or designated person (R309-113-5).

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KEY: drinking water, environmental health
1998 **19-4-104(1)(a)(iv)**



**Health, Health Systems Improvement,
Community Health Nursing
R425-1
Nurse Education Financial Assistance**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20794
FILED: 04/07/98, 15:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To clarify the procedures and administration of the Nurse Education Financial Assistance Program.

SUMMARY: This filing sets forth revised criteria for eligible employment site determination, clarifies the responsibilities of the Committee and the Department with respect to scholarship and grant administration, and revises the penalty for breach of a scholarship contract.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the March 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Title 26, Chapter 9d

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None.
 - ❖ LOCAL GOVERNMENTS: Because the Program requires a two year service commitment, costs associated with employee turnover at participating local governments are reduced. This change in proposed rule has no change in cost impact from the original rule filing.
 - ❖ OTHER PERSONS: No changes due to these amendments. This change in proposed rule has no change in cost impact from the original rule filing.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Community Health Nursing
Cannon Health Building
288 North 1460 West
Box 142851
Salt Lake City, UT 84114-2851, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Don Beckwith at the above address, by phone at (801) 538-6818, by FAX at (801) 538-7053, or by Internet E-mail at hlhsi.dbeckwit@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: Rod Betit, Executive Director

R425. Health, Health Systems Improvement, Community Health Nursing.
R425-1. Nurse Education Financial Assistance.



R425-1-2. Definitions.

- (1) Definitions for this rule are found in Section 26-9d-1.
- (2) "Eligible employment site" means a public or private health care institution or agency or a nursing education institution approved by the committee at which a recipient may perform obligated service.
- (3) "Grant" means a loan repayment under Section 26-9d-5.
- (4) "Scholarship" means a scholarship under Section 26-9d-6.
- (5) "Committee" means the Nurse Financial Assistance Committee created by Section 26-1-7.
- (6) "Obligated service" means the full-time work required under Section 26-9d-7(2)



R425-1-11. Schedule of Repayment-Scholarship.

- (1) A scholarship recipient who breaches his contract with the Department shall begin to repay within 30 days of the breach. The Department may submit for immediate collection all amounts due from a breaching scholarship recipient who does not begin to repay within 30 days.
- (2) The breaching scholarship recipient shall pay the total amount due within one year of breaching the contract. The scheduled payback may not be less than four equal quarterly payments.
- (3) The amount to be paid back shall be calculated from the end of the month in which the scholarship recipient breached the contract as if the recipient had breached at the end of the month.
- ~~[(4) A scholarship recipient who breaches his contract with the Department while he is in school, shall repay twice the amount of all funds received from the Department.]~~ (4) The calculation of the amount to be paid back by a scholarship recipient who breaches his contract with the Department prior to finishing school is twice the amount of all funds received from the Department.
- ~~[(5) A scholarship recipient who breaches his contract with the Department during his service obligation shall repay the~~

Department according to the following calculation:](5) The calculation of the amount to be paid back by a scholarship recipient who finishes school but fails to complete the obligated service is as follows:

(a) determine the percentage of retired [service obligation]obligated service by dividing the number of months of retired [service obligation]obligated service by the total number of months of [total service obligation]obligated service.

(b) subtract the amount in (a) from 1.00,

(c) multiply the amount obtained in (b) by 2,

(d) multiply the amount obtained in (c) by the total amount of the recipient's scholarship.

[—(e) The amount to be paid back shall be calculated from the end of the month in which the scholarship recipient breached the contract as if the recipient had breached at the end of the month.]

(6) The breaching scholarship recipient shall pay simple interest at the rate of 12% per annum on all funds received under the scholarship contract, from the date he received each installment under the contract.

(7) Any unretired amount following the scheduled payback period is subject to collection.

.....

R425-1-19. Schedule of Repayment-Grant.

(1) A grant recipient who breaches his contract with the Department shall begin to repay within 30 days of the breach. The Department may submit for immediate collection all amounts due from a breaching grant recipient who does not begin to repay within 30 days.

(2) The breaching grant recipient shall pay the total amount due within one year of breaching the contract. The scheduled payback may not be less than four equal quarterly payments.

(3) The amount to be paid back shall be determined from the end of the month in which the grant recipient breached the contract as if the recipient had breached at the end of the month.

[(4) The breaching grant recipient shall repay the Department according to the following calculation:](4) The calculation of the amount to be paid back by a grant recipient who fails to complete the obligated service is as follows:

(a) determine the percentage of retired [service obligation]obligated service by dividing the number of months of retired [service obligation]obligated service by the total number of months of [total service obligation]obligated service.

(b) subtract the amount in (a) from 1.00,

(c) multiply the amount obtained in (b) by 2,

(d) multiply the amount obtained in (c) by the total amount of the recipient's grant.

(5) The breaching grant recipient shall pay simple interest at the rate of 12% per annum on all funds received under the grant contract, from the date he received each installment under the contract.

(6) Any unretired amount following the scheduled payback period is subject to collection.

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KEY: grants, scholarships, nurses
1998

26-9d



Public Service Commission,
Administration
R746-360
Universal Public Telecommunications
Service Support Fund

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20599

FILED: 04/15/98, 16:46

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Changes have been made to this proposed rule based on comments received from interested parties.

SUMMARY: Changes have been made to Sections R746-360-2, R746-360-6, R746-360-7, and R746-360-8.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the January 15, 1998, issue of the *Utah State Bulletin*. A corresponding 120-day (emergency) rule that is effective as of 03/31/98 is under DAR No. 20956 in the April 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Unknown.

❖LOCAL GOVERNMENTS: Unknown.

❖OTHER PERSONS: Unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Approximately same as existing fund.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 06/02/98

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-360. Universal Public Telecommunications Service Support Fund.

R746-360-2. Definitions.

A. Affordable Base Rate (ABR) -- means the monthly per line retail rates, charges or fees for basic telecommunications service which the Commission determines to be just, reasonable, and affordable for a designated support area. The Affordable Base Rate shall be established by the Commission and shall be the rate against which the USF proxy cost model results shall be compared ~~[for the purpose of computing]~~ in considering the amount of USF support. The Affordable Base Rate does not include the applicable USF retail surcharge.

B. Average Revenue Per Line -- means the average revenue for each access line computed by dividing all revenue derived from a telecommunications corporation's provision of public telecommunications services in a designated support area by that telecommunications corporation's number of access lines in the designated support area. When a telecommunications corporation does not have access lines in a designated support area, the average revenue per line for that telecommunications corporation will be based on the simple average of the average revenue per line determinations of all other telecommunications corporations which have access lines in the designated support area.

C. Basic Telecommunications Service -- means a ~~[flat-rated]~~ local exchange service consisting of access to the public switched network ~~[without additional charge for usage or the number of local calls placed or received]~~; touch-tone, or its functional equivalent; single-party service with telephone number listed free in directories that are received free; access to operator services; access to directory assistance, lifeline and telephone relay assistance; access to 911 and E911 emergency services; access to long-distance carriers; access to toll limitation services; and other services as may be determined by the Commission.

D. Designated Support Area -- means the geographic area used to determine USF support distributions. A designated support area, or "support area," need not be the same as a USF proxy model's geographic unit. The Commission will determine the appropriate designated support areas for determining USF support requirements.

E. Facilities-Based Provider -- means a telecommunications corporation that uses its own facilities, a combination of its own facilities and essential facilities or unbundled network elements purchased from another telecommunications corporation, or a telecommunications corporation which solely uses essential facilities or unbundled network elements purchased from another telecommunications corporation to provide public telecommunications services.

F. Geographic Unit -- means the geographic area used by a USF proxy cost model for calculating costs of basic local exchange

service. The Commission will determine the appropriate geographic area to be used in determining basic local exchange service costs.

G. Net Fund Distributions -- means the difference between the gross fund distribution to which a qualifying telecommunications corporation is entitled and the gross fund surcharge revenues generated by that company, when the former amount is greater than the latter amount.

H. Net Fund Contributions -- means the difference between the gross fund distribution to which a qualifying telecommunications corporation is entitled and the gross fund surcharge revenues generated by that company, when the latter amount is greater than the former amount.

~~[I. Qualifying Telecommunications Corporation -- means a telecommunications corporation that the Commission has designated an eligible telecommunications carrier, pursuant to 47 U.S.C. Section 214(e), who may receive monies from the federal and state universal service funds.~~

~~[J].~~ Retail Provider -- means telecommunications corporations, interexchange carriers, resellers, alternate operator service providers, commercial mobile radio service providers, radio common carriers, aggregators or any other person or entity providing telecommunications services that are used or consumed by an consumer or end-user.

~~[K].~~ Trust Fund -- means the Trust Fund established by 54-8b-12.

~~[L].~~ USF Proxy Model Costs -- means the average total, jurisdictionally unseparated, cost estimate for basic telecommunications service, in a geographic unit, based on the forward-looking, economic cost proxy model(s) chosen by the Commission. The level of geographic cost disaggregation to be used for purposes of assessing the need for and the level of USF support within a geographic unit will be determined by the Commission.

~~[M].~~ Universal Service Fund (USF or fund) -- means the Universal Public Telecommunications Service Support Fund established by 54-8b-15 and set forth by this rule.

R746-360-6. Fund Remittances and Disbursements.

A. Remitting Surcharge Revenues --

1. Retail providers, not eligible for USF support funds, providing telecommunications services subject to USF surcharges shall collect and remit surcharge revenues to the administrator ~~[monthly]~~ within 45 days after the end of each month.

[+]2. Retail providers eligible for USF support funds shall make remittances as follows:

a. Prior to the end of each month, the fund administrator shall inform each ~~[qualifying]~~ telecommunications corporation of the estimated amount of support that it will be eligible to receive from the USF for that month.

[2]b. Net fund contributions shall be remitted to the administrator within 45 calendar days after the end of each month. If the net amount owed is not received by that date, remedies, including withholding future support from the USF, may apply.

3. The administrator will forward remitted revenues to the Utah State Treasurer's Office for deposit in a USF account.

B. Distribution of Funds -- Net Fund distributions to qualifying telecommunications corporations for a given month shall be made 60 days after the end of that month, unless withheld for

failure to maintain qualification or failure to comply with Commission orders or rules.

R746-360-7. Eligibility for Fund Distributions.

A. Qualification -- To qualify to receive USF support funds, a [A]telecommunications corporation shall be designated an "eligible telecommunications carrier," pursuant to 47 U.S.C. Section 214(e), be in compliance with Commission orders and rules and have its average revenue per line less than the USF cost proxy model costs for each designated support area in which it desires to qualify to receive support from the fund. Each telecommunications corporation receiving support shall use that support only to provide basic telecommunications service and any other services or purposes approved by the Commission.

B. Retail Rate Ceiling -- To be eligible, a telecommunications corporation may not charge retail rates in excess of the Commission determined Affordable Base Rate for basic telecommunications service or vary from the terms and conditions determined by the Commission for other telecommunications services for which it receives Universal Service Fund support.

C. Lifeline Requirement -- A telecommunications corporation may qualify to receive distributions from the fund only if it offers Lifeline service on terms and conditions prescribed by the Commission.

D. Exclusion of Resale Providers -- Only facilities-based providers, will be eligible to receive support from the fund. Where service is provided through one telecommunications corporation's resale of another telecommunications corporation's service, support may be received by the latter only.

R746-360-8. Calculation of Fund Distributions.

A. Use of Proxy Cost Models -- The USF proxy cost model(s) selected by the Commission, the Affordable Base Rates, and average revenue per line will be used to determine fund distributions within designated support areas.

B. Impact of Other Funding Sources -- The USF proxy cost estimate for a designated support area will be reduced by the amount that basic telecommunication service costs are recovered through interstate cost allocations, from the federal USF, pursuant to 47 U.S.C. Section 254, or from any other mechanism by which intrastate costs are calculated from total costs.

C. Determination of Support Amounts -- ~~[Each qualifying t]Telecommunications corporations shall [receive]use USF funds to support each primary residential line in active service which it furnishes in each designated area for which the monthly intrastate USF proxy model cost exceeds the Affordable Base Rate established for that area. Monies from the fund will equal [that]the numerical difference [unless average revenue per line for the designated support area exceeds the]between USF proxy model cost [results]estimates and the Affordable Base Rate or Average Revenue per line, for the designated support area, whichever is the lesser amount.~~

D. Lifeline Support -- ~~[Eligible t]Telecommunications corporations shall receive additional USF funds to recover any discount granted to lifeline customers, participating in a Commission approved Lifeline program, that is not recovered from federal lifeline support mechanisms.~~

E. Exemptions -- Telecommunications corporations may petition to receive an exemption for any provision of this rule or to

receive additional USF support, for use in designated support areas, to support additional services which the Commission determines to be consistent with universal service purposes and permitted by law.

**KEY: public utilities, telecommunications, universal service*
[December 31, 1997]1998
54-7-25
54-7-26
54-8b-12
54-8b-15**



End of the Change in Proposed Rule Section

FIVE-YEAR REVIEW NOTICES OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF CONTINUATION; or amend the rule by filing a PROPOSED RULE and by filing a NOTICE OF CONTINUATION. By filing a NOTICE OF CONTINUATION, the agency indicates that the rule is still necessary.

NOTICES OF CONTINUATION are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules.

NOTICES OF CONTINUATION are effective when filed.

Five-Year Review NOTICES OF CONTINUATION are governed by UTAH CODE Section 63-46a-9 (1996).

Environmental Quality, Solid and Hazardous Waste

R315-301

Solid Waste Authority, Definitions, and General Requirements

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20965
FILED: 04/02/98, 16:16
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The Board is to require all solid waste disposal facilities to submit plans, prior to construction, for review to determine if requirements of the Act and the rules will be met (Subsection 19-6-104(1)(j)). Also, Subsection 19-6-108(9) specifies the general contents of the Plan of Operation that must be submitted to the Board by all solid waste facilities for approval. The U.S. Environmental Protection Agency (EPA) promulgated rules which became effective on October 9, 1993, that established minimum national standards for the operation of landfills (40 CFR Parts 257 and 258). By promulgating rules that meet the minimum EPA standards, a state may become an EPA Approved State and have primacy in the operation and enforcement of the solid waste program.

Also, an approved state is allowed increased flexibility in many areas of the program. Utah became an approved state on October 8, 1993.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-301 was promulgated by the Utah Solid and Hazardous Waste Control Board and became effective on July 15, 1993. The rule has been changed several times since its effective date to include applicable changes that have been made in the "Utah Solid and Hazardous Waste Act" and/or changes promulgated by EPA, or to clarify portions of the rule. Some comments were received during the rulemaking process to make changes in the rule. One comment stated that the definition to the term "incineration" was too broad. The response from the Division of Solid and Hazardous Waste was that the definition would not be changed since it is necessary for the definition to be broad enough to cover current and future technology for the thermal management of solid waste. Also, any thermal process not being used to manage solid waste would not be regulated by the Board. A commenter asked if a municipal landfill could be owned and operated by an entity other than a city, town, or county. As a result of the comment, the definition of the term "municipal landfill" was clarified by adding language that these landfills could be owned and operated by a local government such as a city, town, county, special service district, an entity created by interlocal agreement of local governments, or may be a landfill solely under contract with a local government or government entity. One comment stated that the inclusion of waste asphalt in the definition of the term "construction/demolition waste" actually weakened the solid waste rules. This change was not proposed to the Board until the Division of Solid and Hazardous Waste had completed sufficient testing and evaluation to determine that waste asphalt would pose a negligible risk to human health or the environment if it is managed the same as other construction/demolition waste. A comment requested that the definition of "household

waste" be clarified and limited to only the wastes that are generated from households. The Board took the action to make this change. A comment representing an industry requested that the definition of "industrial solid waste" be broadened to include the language "wastes resulting from manufacturing processes and associated activities." The Board took the action to make this change.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments were received that opposed the rule as a whole. Rule R315-301 should be continued since it presents the authority under which the "Utah Solid Waste Permitting and Management Rules" (Rules R315-301 through R315-320) are promulgated, specifies the general requirements for the management of solid waste in Utah to protect human health and the environment, and defines the majority of the terms used in Solid Waste Rules R315-302 through R315-320. Also, the rule must be continued for the State to retain its Environmental Protection Agency approved status.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadswor@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 04/02/98



Environmental Quality, Solid and
Hazardous Waste
R315-302
Solid Waste Facility Location
Standards, General Facility
Requirements, and Closure
Requirements

FIVE-YEAR REVIEW NOTICE OF CONTINUATION
DAR File No.: 20966
FILED: 04/02/98, 16:16
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The Board is to require all solid waste disposal facilities to submit plans, prior to construction, for review to determine if requirements of the Act and the rules will be met (Subsection 19-6-104(1)(j)). Also, Subsection 19-6-108(9) specifies the general contents of the Plan of Operation that must be submitted to the Board by all solid waste facilities for approval. The U.S. Environmental Protection Agency (EPA) promulgated rules which became effective on October 9, 1993, that established minimum national standards for the operation of landfills (40 CFR Parts 257 and 258). By promulgating rules that meet the minimum EPA standards, a state may become an EPA Approved State and have primacy in the operation and enforcement of the solid waste program. Also, an approved state is allowed increased flexibility in many areas of the program. Utah became an approved state on October 8, 1993.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-302 was promulgated by the Utah Solid and Hazardous Waste Control Board and became effective on July 15, 1993. The rule has been changed several times since its effective date to include applicable changes that have been made in the "Utah Solid and Hazardous Waste Act" and/or changes promulgated by EPA, or to clarify portions of the rule. One comment was received during the rulemaking process to make changes in the rule. The comment that was received opposed to the deletion of the requirement to have an engineer certify that a Class IV Landfill was closed according to the approved plans and to submit as-built plans and drawings of the closed landfill. The response from the Division of Solid and Hazardous Waste was that the rule which regulates Class IV Landfills (R315-305) does not require an engineered final cover upon closure of these landfills. Therefore, the owner or operator may certify that a landfill is closed according to the approved plan and the landfill may be inspected by the Division. There is no need to incur the expense to hire an engineer to make drawings of an unengineered final cover.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments were received that opposed the rule as a whole. Rule R315-302 should be continued since it specifies the criteria for solid waste disposal facilities, specifies the general requirements for the operation of solid waste facilities, and specifies the

general requirements for the closure and post-closure care of solid waste facilities. Also, the rule must be continued for the State to retain its Environmental Protection Agency (EPA) approved status.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadswor@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 04/02/98

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**Environmental Quality, Solid and
Hazardous Waste
R315-303
Landfilling Standards**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20967
FILED: 04/02/98, 16:16
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The Board is to require all solid waste disposal facilities to submit plans, prior to construction, for review to determine if requirements of the Act and the rules will be met (Subsection 19-6-104(1)(j)). Also, Subsection 19-6-108(9) specifies the general contents of the Plan of Operation that must be submitted to the Board by all solid waste facilities for approval. The U.S. Environmental Protection Agency (EPA)

promulgated rules which became effective on October 9, 1993, that established minimum national standards for the operation of landfills (40 CFR Parts 257 and 258). By promulgating rules that meet the minimum EPA standards, a state may become an EPA Approved State and have primacy in the operation and enforcement of the solid waste program. Also, an approved state is allowed increased flexibility in many areas of the program. Utah became an approved state on October 8, 1993.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-303 was promulgated by the Utah Solid and Hazardous Waste Control Board and became effective on July 15, 1993. The rule has been changed several times since its effective date to include applicable changes that have been made in the "Utah Solid and Hazardous Waste Act" and/or changes promulgated by EPA, or to clarify portions of the rule. Two comments were received during the rulemaking process to make changes in the rule. One comment was received that was opposed to changing the term "methane" to "explosive gas." The Division of Solid and Hazardous Waste responded to the commenter by stating that the change would be made for the following reasons: landfills generate a mixture of flammable gases that may explode under certain conditions, only one of which is methane; the EPA uses the term "explosive gas" rather than the term "methane;" and the detection instruments commonly used at landfills are programmed to detect any and all flammable gases, not just methane. Another comment was received that was in support of changing the term "methane" to "explosive gas." This commenter also supported the change to allow alternative final cover designs at landfills as long as they meet or exceed the performance requirements of the standard design.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments were received that opposed the rule as a whole. For the protection of human health and the environment, Rule R315-303 should be continued since it specifies the standards for performance, design, operation, and maintenance of landfills. Also, the rule must be continued for the State to retain its Environmental Protection Agency (EPA) approved status.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadswor@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 04/02/98

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Environmental Quality, Solid and Hazardous Waste **R315-305** Class IV Landfill Requirements

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20968
FILED: 04/02/98, 16:16
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The Board is to require all solid waste disposal facilities to submit plans, prior to construction, for review to determine if requirements of the Act and the rules will be met (Subsection 19-6-104(1)(j)). Also, Subsection 19-6-108(9) specifies the general contents of the Plan of Operation that must be submitted to the Board by all solid waste facilities for approval. The U.S. Environmental Protection Agency (EPA) promulgated rules which became effective on October 9, 1993, that established minimum national standards for the operation of landfills (40 CFR Parts 257 and 258). By promulgating rules that meet the minimum EPA standards, a state may become an EPA Approved State and have primacy in the operation and enforcement of the solid waste program. Also, an approved state is allowed increased flexibility in many areas of the program. Utah became an approved state on October 8, 1993.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-305 was promulgated by the Utah Solid and Hazardous Waste Control Board and became effective on July 15, 1993. The rule has been changed several times since its effective date to include applicable changes that have been made in the "Utah Solid and Hazardous Waste Act" and/or promulgated by EPA, or to clarify portions of the rule. Several comments have been received during the rulemaking process to make changes in

the rule. One comment was received that opposed requiring storm water run-on/run-off controls at a Class IV Landfill. The Division of Solid and Hazardous Waste responded by explaining that storm water run-on/run-off controls at all landfills is a requirement of the Utah Division of Water Quality. If this requirement is part of the Solid Waste Rules, the need for a separate permit from the Division of Water Quality is eliminated. Several comments were received that supported changing the rule to allow the acceptance of waste tires and material derived from waste tires at Class IV Landfills under the same restrictions as imposed for the acceptance of these materials at the other classes of landfills. One comment was received that supported the placement of a sign at the entrance of a Class IV Landfill which contains the same information as required for other classes of landfills. One comment was received requesting that the rule be strengthened by imposing the same requirements on Class IV Landfills as are required for landfills that accept municipal waste. The Division responded by stating that Class IV Landfills may accept only inert waste, construction/demolition waste, yard waste, dead animals, and under certain restrictions, waste tires. Municipal waste may not be accepted at a Class IV Landfill. The waste accepted at a Class IV Landfill presents a much smaller threat to human health and the environment than municipal waste. Therefore, the more stringent design, monitoring, and operation requirements which regulate landfills that accept municipal waste are unnecessary for Class IV Landfills.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments were received that opposed the rule as a whole. For the protection of human health and the environment, Rule R315-305 should be continued since it specifies the standards for performance, design, operation, and maintenance of Class IV Landfills. Also, the rule must be continued for the State to retain its Environmental Protection Agency (EPA) approved status.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadsworth@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 04/02/98

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**Environmental Quality, Solid and
Hazardous Waste
R315-306
Energy Recovery and Incinerator
Standards**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20969
FILED: 04/02/98, 16:16
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The Board is to require all solid waste disposal facilities to submit plans, prior to construction, for review to determine if requirements of the Act and the rules will be met (Subsection 19-6-104(1)(j)). Also, Subsection 19-6-108(9) specifies the general contents of the Plan of Operation that must be submitted to the Board by all solid waste facilities for approval. The U.S. Environmental Protection Agency (EPA) promulgated rules which became effective on October 9, 1993, that established minimum national standards for the operation of landfills (40 CFR Parts 257 and 258). By promulgating rules that meet the minimum EPA standards, a state may become an EPA Approved State and have primacy in the operation and enforcement of the solid waste program. Also, an approved state is allowed increased flexibility in many areas of the program. Utah became an approved state on October 8, 1993.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-306 was promulgated by the Utah Solid and Hazardous Waste Control Board and became effective on July 15, 1993. The rule has been changed since its effective date to include applicable changes that have been made in the "Utah Solid and Hazardous Waste Act" and/or promulgated by EPA, or to clarify portions of the rule. One comment has been received during the rulemaking process to make changes in the rule. The comment was in support of changes made to the rule. The commenter supported the addition to the rule of recent EPA requirements to periodically test the ash from an incinerator or energy recovery facility to determine if it is a hazardous waste. The commenter also expressed support for the requirement to inspect loads entering an incinerator, as is required at all classed of landfills, to prevent the acceptance of regulated hazardous wastes.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments were received that opposed the rule as a whole. For the protection of human health and the environment, Rule R315-306 should be continued since it specifies the standards for performance, design, operation, and maintenance of an incinerator or an energy recovery facility. Also, the rule must be continued for the State to retain its Environmental Protection Agency (EPA) approved status.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadswor@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 04/02/98

**Human Services, Recovery Services
R527-56
In-Kind Support**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20978
FILED: 04/13/98, 13:11
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Office of Recovery Services (Office) is given the responsibility of collecting child support if it has received an application for child support services or the state has provided public assistance (Section 62A-11-104). Section 62A-11-307.2 specifies the duties of the obligee after assignment of support rights to the state which include not doing anything which would prejudice the rights of the Office to collect support. In addition, this section prohibits the obligee from agreeing to allow the obligor to change the manner of payment of support that has been ordered by court or administrative authority without the Office's written consent. Furthermore, it provides that if the obligee agrees with the obligor to receive payment of support in a different manner than that ordered by the

court or administrative authority, the obligee is required to deliver the cash equivalent of the payment to the Office. Under this statute, the Office's right to recover support cannot be compromised by any agreement between the obligor and obligee that changes the ordered manner of paying support, whether it is entered into before or after public assistance is granted. However, under a 1991 court decision (Utah Dep't of Social Servs. v. Adams, 806 P.2d. 1193 {Utah Ct. App. 1991}), the Office is required to give credit for in-kind support payments under certain conditions where a court order exists. Under this decision, in order for credit to be given there must be a written in-kind support agreement which predates the time the obligee began receiving financial public assistance, and it must have been filed with the court. Also, the Department of Human Services must be notified of the agreement at the time of application for financial assistance and register no objection to it. Other conditions were also established by the decision. This rule, which is enacted under the statutes that have been described, incorporates the required elements in the court decision for granting in-kind support credit to an obligor. It confirms that the Office may take any necessary action to require that prospective support be paid in cash when that method of payment has been ordered. It clarifies that after the obligee has signed an application for financial assistance, or has been given written notice by the Office that acceptance of financial assistance requires that court-ordered cash support be paid only in cash, the Office may recover from the obligee the cash equivalent of in-kind support paid to him. It also clarifies that upon receipt of notice from the Office that an assignment of support rights is in effect, the obligor is required to make support payments in cash only, if the court has ordered that manner of payment.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it specifies when and under what conditions the Office of Recovery Services (Office) is required give obligors credit for in-kind support payments. It also describes the conditions under which the Office may require payment of court-ordered cash support in cash only, and when it may take action to recover the cash equivalent of in-kind support paid to the obligee.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
 Recovery Services
 Fourteenth Floor, Eaton/Kenway Bldg.
 515 East 100 South
 PO Box 45011
 Salt Lake City, UT 84145-0011, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
 Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or Internet E-mail at hsdadmin.hsrssl.c.wbraithw@email.state.ut.us.

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 04/13/98



**Public Service Commission,
 Administration
 R746-332
 Depreciation Rates for Water Utilities**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20964
 FILED: 04/02/98, 13:56
 RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-24 gives the Commission the authority to require a utility to conform its depreciation accounts to the rates ascertained, determined, and fixed by the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1993.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to remain in effect to provide plant service life guidelines for those water utilities that cannot afford to perform depreciation studies on their own plant.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
 Administration
 Fourth Floor, Heber M. Wells Building
 160 East 300 South
 Salt Lake City, UT 84111, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
 Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at pupsc.bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/03/98

EFFECTIVE: 04/02/98



Public Service Commission,
Administration
R746-342
Rule on One-Way Paging

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20970
FILED: 04/03/98, 09:30
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-5(3) requires rulemaking when an agency issues a written interpretation of a state or federal legal mandate. This rule determines whether one-way paging is a utility service under Utah law and thus whether subject to regulation by the Public Service Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1993.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued for the Commission to continue to comply with the Utah Supreme Court decision in Williams v. Public Service Commission of Utah, 720 P.2d 773 (Utah 1986).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at pupsc.bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, Paralegal



Public Service Commission,
Administration
R746-402
Rules Governing Reports of Accidents
by Electric, Gas, Telephone, and Water
Utilities

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20971
FILED: 04/03/98, 09:50
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 authorizes the Public Service Commission (PSC) to supervise and regulate utilities, and Section 54-4-14 authorizes the PSC to require utilities to perform specific acts intended to promote and safeguard the health and safety of employees, customers and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1993.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because accidents of major importance may have an impact on rates.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at pupsc.bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/03/98



Public Service Commission,
Administration
R746-405
Rules Governing the Filing of Tariffs for
Gas, Electric, Telephone, Water and
Heat Utilities

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20972
FILED: 04/03/98, 09:50
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 authorizes the Public Service Commission to supervise and regulate utilities, and Section 54-3-2 requires the establishment of rules for the process, format, construction, and content of utility tariffs.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1993.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because it contains the process, format, construction and content guidelines utility companies need when filing tariffs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at pupsc.bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/03/98



Regents (Board of), Administration
R765-134
Informal Adjudicative Procedures
Under the Utah Administrative
Procedures Act

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20980
FILED: 04/13/98, 14:04
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is authorized or mandated by Sections 63-46b-4 and 63-46b-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The State Board of Regents, on behalf of itself and institutions and agencies in the Utah System of Higher Education, by this rule provides for certain adjudicative procedures to be conducted informally according to the procedures set forth in this rule enacted under authority of Section 63-46b-4.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
Salt Lake City, UT 84180, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or Internet E-mail at heyring@utahsbr.edu.

AUTHORIZED BY: Harden R. Eyring, Executive Assistant to the Commissioner

EFFECTIVE: 04/13/98



Regents (Board of), Administration
R765-555
Policy on Colleges and Universities
Providing Facilities, Goods and
Services in Competition with Private
Enterprise

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20981
FILED: 04/13/98, 14:04
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is authorized by Section 53B-1-103.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The State Board of Regents should provide guidelines for when it is and is not appropriate for institutions of higher education to provide facilities, goods and services to the public in competition with private enterprise.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
Salt Lake City, UT 84180, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or Internet E-mail at heyring@utahsbr.edu.

AUTHORIZED BY: Harden R. Eyring, Executive Assistant to the Commissioner

EFFECTIVE: 04/13/98



Regents (Board of), Administration
R765-993
Records Access and Management

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20982
FILED: 04/13/98, 14:04
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is authorized or mandated by Subsections 63-2-204(2) and 63-2-904(2), and Sections 53B-16-301 through 53B-16-305.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The State Board of Regents and Office of the Commissioner create and retain records which must be classified and to which access must be determined in accordance with the Government Records Access and Management Act.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
Salt Lake City, UT 84180, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or Internet E-mail at heyring@utahsbr.edu.

AUTHORIZED BY: Harden R. Eyring, Executive Assistant to the Commissioner

EFFECTIVE: 04/13/98



NOTICES OF EXPIRED RULES

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (UTAH CODE Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules (Division). However, if the agency fails to file either the review or the extension by the five-year anniversary date of the rule, the rule expires. Upon expiration of the rule, the Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule, and it must follow regular rulemaking procedures to replace the rule if necessary.

The rules listed below were *not* reviewed in accordance with Section 63-46a-9 (1996). These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by UTAH CODE Subsection 63-46a-9(8) (1996).

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 20993: R414-28. Record Keeping and Disclosure for Medicaid Providers.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 12/15/92 (No. 13559, Filed 10/15/92 at 2:56 p.m., Published 12/15/92)

Five-Year Review Extension: 12/15/97 (No. 19962, Filed 09/24/97 at 10:29 a.m., Published 10/15/97)

Expired: 04/14/98

(DAR Note: This rule was in the repeal process, see DAR No. 20765, but expired before the repeal could become effective.)

No. 20994: R414-42. Limitations on Scope of Service for Inpatient Hospitals and Outpatient Hospitals and Limitations on Scope of Service for Physician Services.

Enacted: 08/01/87 (No. 8889, Filed 06/19/87 at 2:25 p.m., Published 07/01/87)

Five-Year Review: 12/15/92 (No. 13566, Filed 10/15/92 at 3:15 p.m., Published 12/15/92)

Five-Year Review Extension: 12/15/97 (No. 19968, Filed 09/24/97 at 10:29 a.m., Published 10/15/97)

Expired: 04/14/98

(DAR Note: This rule was in the repeal process, see DAR No. 20934, but expired before the repeal could become effective.)

End of the Expired Rules Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Plant Industry

No. 20813 (AMD): R68-19-4. Citation.
Published: March 15, 1998
Effective: April 15, 1998

Regulatory Services

No. 20814 (AMD): R70-201-4. Citation.
Published: March 15, 1998
Effective: April 15, 1998

Education

Administration

No. 20779 (NEW): R277-469. Textbook Commission
Operating Procedures.
Published: March 1, 1998
Effective: April 7, 1998

End of the Rule Effective Dates Section

No. 20780 (AMD): R277-504. Early Childhood,
Elementary, Secondary, Special Education (K-12),
Communication Disorders, and Special Education
(Birth-Age 5) Certification.
Published: March 1, 1998
Effective: April 7, 1998

No. 20781 (R&R): R277-514. Suspension and
Revocation of Teaching Certificates.
Published: March 1, 1998
Effective: April 7, 1998

Public Safety

Law Enforcement and Technical Services, Regulatory Licensing

No. 20806 (R&R): R724-4. Concealed Firearm Permit
Rule.
Published: March 15, 1998
Effective: April 16, 1998

Peace Officer Standards and Training

No. 20810 (AMD): R728-404. Basic Training Basic
Academy Rules.
Published: March 15, 1998
Effective: April 15, 1998

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all changes to Utah's administrative rules from January 2, 1998, to the present (current as of April 21, 1998). The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

NOTE: A copy of the indexes is available for public inspection at the Division of Administrative Rules. The indexes may also be obtained by calling UtahBBS, the State of Utah's Bulletin Board System, at (801) 538-3383. A computer, a modem, and a communications software package are required to access UtahBBS. Set communications software to 8 data bits, no parity, and 1 stop bit. The indexes are located under the "Administrative Rules Conference" (conference 9), in the "Indexes--Current" option (7).

UtahBBS may also be accessed over the Internet with a telnet client (the client must support download capabilities if downloading information is desired), or with a World Wide Web client (such as Mosaic or Netscape). The telnet address is [bbs.state.ut.us](telnet://bbs.state.ut.us); the web address is <http://web.state.ut.us/its/bbs.htm>.

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-3	American With Disabilities Act Grievance Procedures	20631	5YR	01/08/98	98-3/89
<u>Facilities Construction and Management</u>					
R23-4	Suspension/Debarment From Consideration for Award of State Contracts	20702	5YR	01/28/98	98-4/128
R23-5	Contingency Funds	20703	5YR	01/28/98	98-4/128
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	20704	5YR	01/28/98	98-4/129
R23-7	Utah State Building Board Policy Statement Master Planning	20705	5YR	01/28/98	98-4/129
R23-8	Planning Fund Use	20706	5YR	01/28/98	98-4/130
R23-9	Building Board State/Local Cooperation Policy	20707	5YR	01/28/98	98-4/130
R23-10	Naming of State Buildings	20708	5YR	01/28/98	98-4/131

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-11	Facilities Allocation and Sale Procedures	20709	5YR	01/28/98	98-4/131
R23-21	Division of Facilities Construction and Management Lease Procedures	20710	5YR	01/28/98	98-4/132
R23-24	Capital Projects Utilizing Non-appropriated Funds	20711	5YR	01/28/98	98-4/132
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	20931	5YR	03/19/98	98-8/63
<u>Animal Industry</u>					
R58-19	Compliance Procedures	20279	NEW	01/05/98	97-24/12
<u>Marketing and Conservation</u>					
R65-11	Utah Sheep Marketing Order	20699	NEW	03/19/98	98-4/8
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20838	5YR	03/05/98	98-7/72
R68-19	Compliance Procedures	20280	NEW	01/15/98	97-24/13
R68-19-4	Citation	20813	AMD	04/15/98	98-6/16
<u>Regulatory Services</u>					
R70-201	Compliance Procedures	20281	NEW	01/15/98	97-24/14
R70-201-4	Citation	20814	AMD	04/15/98	98-6/16
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-3a	Architect Licensing Act Rules	20200	AMD	see CPR	97-23/4
R156-3a	Architect Licensing Act Rules	20200	CPR	02/18/98	98-2/79
R156-16a	Optometry Practice Act Rules	20778	AMD	04/01/98	98-5/4
R156-17a	Pharmacy Practice Act Rules	20492	AMD	02/24/98	98-1/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20696	5YR	01/27/98	98-4/133
R156-40	Recreational Therapy Practice Act Rules	20697	5YR	01/27/98	98-4/133
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	AMD	see CPR	97-22/12
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	CPR	02/03/98	98-1/199
R156-55a	Utah Construction Trades Licensing Act Rules	20650	AMD	03/05/98	98-3/23
R156-59	Employee Leasing Company Act Rules	20701	5YR	01/27/98	98-4/134
R156-60b	Marriage and Family Therapist Licensing Act Rules	20581	AMD	02/18/98	98-2/18
R156-60c	Professional Counselor Licensing Act Rules	20359	AMD	02/03/98	98-1/6
R156-60d	Substance Abuse Counselor Act Rules	20273	AMD	01/15/98	97-24/16
R156-61	Psychologist Licensing Act Rules	20342	AMD	02/03/98	98-1/10
R156-69	Dentist and Dental Hygienist Practice Act Rules	20776	AMD	04/01/98	98-5/6

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Real Estate</u>					
R162-107	Unprofessional Conduct	20625	NEW	03/04/98	98-2/22
<u>Securities</u>					
R164-4	Licensing Requirements	20679	AMD	03/04/98	98-3/31
R164-5	Broker-Dealer and Investment Adviser Books and Records	20680	AMD	03/04/98	98-3/38
R164-6-1g	Dishonest or Unethical Business Practices	20681	AMD	03/04/98	98-3/40
R164-26-6	Consent to Service	20682	AMD	03/04/98	98-3/44
COMMUNITY AND ECONOMIC DEVELOPMENT					
<u>Community Development, Community Services</u>					
R202-100	Community Services Block Grant Rules	20282	AMD	01/15/98	97-24/17
<u>Community Development, Fine Arts</u>					
R207-1	Utah Arts Council General Program Rules	20811	5YR	02/25/98	98-6/77
R207-2	Policy for Donations and Loans to the State Fine Art Collection	20812	5YR	02/25/98	98-6/77
<u>Community Development, History</u>					
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	20528	NEW	03/10/98	98-2/23
CORRECTIONS					
<u>Administration</u>					
R251-107	Executions	20160	AMD	01/15/98	97-22/16
R251-112	Americans With Disabilities Act Complaint Procedure	20841	5YR	03/06/98	98-7/72
R251-304	Contract Procedure	20843	5YR	03/06/98	98-7/73
R251-703	Vehicle Direction Station	20196	AMD	01/15/98	97-23/6
R251-707	Legal Access	20198	AMD	01/15/98	97-23/8
R251-710	Search	20379	AMD	03/15/98	98-1/14
EDUCATION					
<u>Administration</u>					
R277-469	Textbook Commission Operating Procedures	20779	NEW	04/07/98	98-5/7
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	20780	AMD	04/07/98	98-5/10
R277-508	Employment of Substitute Teachers	20899	5YR	03/13/98	98-7/73
R277-514	Suspension and Revocation of Teaching Certificates	20781	R&R	04/07/98	98-5/13
R277-516	Library Media Certificates and Programs	20657	5YR	01/14/98	98-3/89
R277-518	Vocational-Technical Certificates	20658	5YR	01/14/98	98-3/90

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-600	Student Transportation Standards and Policies	20659	5YR	01/14/98	98-3/90
R277-605	Extracurricular Student Activities	20660	5YR	01/14/98	98-3/91
R277-606	Interschool Competitive Sports in High School	20661	5YR	01/14/98	98-3/91
R277-610	Released-Time Classes for Religious Instruction	20662	5YR	01/14/98	98-3/91
R277-615	Foreign Exchange Students	20663	5YR	01/14/98	98-3/92
R277-700	The Elementary and Secondary School Core Curriculum and High School Graduation Requirements	20664	5YR	01/14/98	98-3/92
R277-701	Values Education	20665	5YR	01/14/98	98-3/93
R277-702	Procedures for the Utah General Educational Developmental Certificate	20666	5YR	01/14/98	98-3/93
R277-709	Education Programs Serving Youth in Custody	20667	5YR	01/14/98	98-3/94
R277-710	Accelerated Learning Programs	20668	5YR	01/14/98	98-3/94
R277-716	Alternative Language Services (ALS)	20669	5YR	01/14/98	98-3/94
R277-718	Utah Career Teaching Scholarship Program	20670	5YR	01/14/98	98-3/95
R277-721	Deadline for CACFP Sponsor Participation in Food Distribution Program	20671	5YR	01/14/98	98-3/95
R277-722	Withholding Payments and Commodities in the CACFP	20672	5YR	01/14/98	98-3/96
R277-730	Alternative High School Curriculum	20673	5YR	01/14/98	98-3/96
R277-732	Community Education	20674	5YR	01/14/98	98-3/97
R277-740	Subchapter One of the Education Improvement and Consolidation Act of 1981	20900	5YR	03/13/98	98-7/74
R277-746	Driver Education Programs for Utah Schools	20901	5YR	03/13/98	98-7/74
R277-747	Private School Student Driver Education	20902	5YR	03/13/98	98-7/74
R277-751	Special Education Extended School Year	20903	5YR	03/13/98	98-7/75
R277-912	Standards and Procedures for Post-Secondary Applied Technology Education Accreditation	20904	5YR	03/13/98	98-7/75
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-200	Rehabilitation	20905	5YR	03/13/98	98-7/76
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-1-1	Foreword and Definitions	20096	AMD	01/08/98	97-21/4
R307-1-1	Foreword and Definitions	20202	AMD	01/08/98	97-23/10
R307-1-3	Control of Installations	20219	AMD	02/05/98	97-23/20
R307-1-3	Control of Installations	20740	NSC	02/05/98	Not Printed
R307-2-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	20099	AMD	01/08/98	97-21/14
R307-8-3	Average Oxygen Content Standard	20100	AMD	01/08/98	97-21/15
<u>Drinking Water</u>					
R309-105	Quantity Requirements	20789	EXD	02/01/98	98-5/80
R309-106	Source Development	20290	REP	03/01/98	97-24/26
R309-107	Disinfection	20291	REP	03/01/98	97-24/33
R309-108	Conventional Complete Treatment	20292	REP	03/01/98	97-24/37

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-109	Miscellaneous Treatment Methods	20293	REP	03/01/98	97-24/47
R309-110	Pumping Facilities	20294	REP	03/01/98	97-24/56
R309-111	Water Storage	20295	REP	03/01/98	97-24/60
R309-112	Distribution System	20296	REP	03/01/98	97-24/63
<u>Radiation Control</u>					
R313-12	General Provisions	20234	AMD	see CPR	97-23/115
R313-12	General Provisions	20234	CPR	03/20/98	98-4/115
R313-15	Standards for Protection Against Radiation	20235	AMD	see CPR	97-23/44
R313-15	Standards for Protection Against Radiation	20235	CPR	03/20/98	98-4/120
R313-18	Notices, Instructions and Reports to Workers by Licensees or Registrants -- Inspections	20236	AMD	01/23/98	97-23/61
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	20237	AMD	01/23/98	97-23/62
R313-32	Medical Use of Radioactive Material	20238	AMD	01/23/98	97-23/65
<u>Solid and Hazardous Waste</u>					
R315-1	Utah Hazardous Waste Definitions and References	20382	AMD	02/20/98	98-1/15
R315-2	General Requirements - Identification and Listing of Hazardous Waste	20383	AMD	02/20/98	98-1/17
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	20384	AMD	02/20/98	98-1/27
R315-4	Hazardous Waste Manifest	20385	AMD	02/20/98	98-1/35
R315-6-7	Transfer Facility Requirements	20538	AMD	02/20/98	98-2/24
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	20386	AMD	02/20/98	98-1/36
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	20387	AMD	02/20/98	98-1/38
R315-13	Land Disposal Restrictions	20388	AMD	02/20/98	98-1/39
R315-14-7	Hazardous Waste Burned in Boilers and Industrial Furnaces	20389	AMD	02/20/98	98-1/40
R315-16	Standards for Universal Waste Management	20390	AMD	02/20/98	98-1/40
R315-50	Appendices	20391	AMD	02/20/98	98-1/50
R315-301	Solid Waste Authority, Definitions, and General Requirements	20965	5YR	04/02/98	98-9/65
R315-301-2	Definitions	19876	AMD	see CPR	97-19/23
R315-301-2	Definitions	19876	CPR	01/05/98	97-23/111
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	20966	5YR	04/02/98	98-9/66
R315-303	Landfilling Standards	20967	5YR	04/02/98	98-9/67
R315-305	Class IV Landfill Requirements	20968	5YR	04/02/98	98-9/68
R315-306	Energy Recovery and Incinerator Standards	20969	5YR	04/02/98	98-9/69

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
HEALTH					
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-3X	Restriction on Use of CPR-4 Psychiatric Codes	20542	REP	02/20/98	98-2/25
R414-4X	Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment	20648	5YR	01/12/98	98-3/97
R414-10A	Transplant Services Standards	20825	EMR	02/26/98	98-6/64
R414-10A	Transplant Services Standards	20652	AMD	03/19/98	98-3/44
R414-10X	Pharmacy Policy	20612	REP	02/20/98	98-2/26
R414-12	Medical Supplies Durable Medical Equipment-- Prosthetics	20762	5YR	02/09/98	98-5/66
R414-13x	Section V of all Medicaid Provider Manuals: "Provider Compliance"	20922	EXD	03/15/98	98-7/80
R414-15	Patients Personal Needs Fund	20232	AMD	01/13/98	97-23/80
R414-17	Policy on Use of Oxygen Concentrators	20212	REP	01/13/98	97-23/82
R414-22	Administrative Sanction Procedures and Regulations	20653	5YR	01/13/98	98-3/97
R414-22	Administrative Sanction Procedures and Regulations	20654	AMD	03/19/98	98-3/56
R414-24	Policy Concerning the Time Frame in Which Medicaid Claims Must be Submitted for Payment	20345	REP	02/04/98	98-1/51
R414-25X	Policy Concerning the Time Frame in Which Medicaid Claims Must be Submitted for Payment	20613	REP	02/20/98	98-2/26
R414-26	Implementation and Maintenance of the Health Care Financing Administration Common Procedure Coding System (HCPCS)	20764	5YR	02/09/98	98-5/66
R414-27	Medicare Nursing Facility Certification	20735	5YR	02/04/98	98-5/67
R414-28	Record Keeping and Disclosure for Medicaid Providers	20993	EXD	04/14/98	98-9/74
R414-30	Bureau of Facility Management Policy and Procedures Manual Part B, Hospital Preadmission and Continued Stay Review	20655	REP	03/19/98	98-3/60
R414-31x	Hospital Utilization Review	20766	5YR	02/09/98	98-5/67
R414-32	Hospital Record-keeping Policy	20767	5YR	02/09/98	98-5/68
R414-36	Bureau of Facility Management Policy and Procedures Manual	20656	REP	03/19/98	98-3/66
R414-42	Limitations on Scope of Service for Inpatient Hospitals and Outpatient Hospitals and Limitations on Scope of Service for Physician Services	20994	EXD	04/14/98	98-9/74
<u>Health Systems Improvement, Community Health Nursing</u>					
R425-1	Nurse Education Financial Assistance	20768	5YR	02/10/98	98-5/68
<u>Health Data Analysis</u>					
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	20192	NEW	03/15/98	97-22/21
R428-13	Health Data Authority. Audit and Reporting of HMO Performance Measures	20731	NEW	04/05/98	98-5/40

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-2	General Licensing Provisions, Child Care Facilities	20264	NEW	02/04/98	97-24/66
R430-3	General Care Facility Rules Inspection and Enforcement	20265	NEW	01/21/98	97-24/69
R430-5	Child Care Facility, General Construction	20266	NEW	02/05/98	97-24/71
R430-6	Background	20267	NEW	01/20/98	97-24/75
R430-10	Notice of Intent to License, Hourly Care Provider	20645	EMR	01/09/98	98-3/86
R430-10	Notice of Intent to License, Hourly Care Provider	20684	EMR	01/20/98	98-4/122
R430-30	Adjudicative Procedure	20268	NEW	01/21/98	97-24/79
R430-100	Child Care Facilities	20269	NEW	02/05/98	97-24/79
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-16	Hospice Inpatient Facility Construction	20582	NEW	03/04/98	98-2/27
R432-102	Specialty Hospital - Chemical Dependency/Substance Abuse	20558	AMD	02/24/98	98-2/31
R432-151	Mental Disease Facility	20685	5YR	01/20/98	98-4/134
R432-550	Birthing Centers (Five or Less Birth Rooms)	20559	AMD	02/24/98	98-2/34
R432-600	Abortion Clinic Rule	20560	AMD	02/24/98	98-2/39
R432-700	Home Health Agency Rule	20561	AMD	02/24/98	98-2/42
R432-750	Hospice Rule	20562	AMD	03/04/98	98-2/49
<u>Laboratory Services, Laboratory Improvement</u>					
R444-14	Rules for the Certification of Environmental Laboratories	20521	R&R	02/19/98	98-1/51
HUMAN SERVICES					
<u>Administration, Administrative Hearings</u>					
R497-100	Adjudicative Proceedings	20248	AMD	01/26/98	97-24/88
<u>Administration, Administrative Services, Licensing</u>					
R501-17	Adult Foster Care Standards	20179	NEW	03/15/98	97-22/24
<u>Administration, Administrative Services, Management Services</u>					
R503-5	Client Notice and Client Hearings	20895	5YR	03/13/98	98-7/76
<u>Aging and Adult Services</u>					
R510-100	Funding Formulas	20634	5YR	01/08/98	98-3/98
R510-101	Carryover Policy for Title III: Grants for State and Community Programs on Aging	20635	5YR	01/08/98	98-3/99
R510-102	Amendments to Area Plan and Management Plan	20636	5YR	01/08/98	98-3/99
R510-103	Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	20637	5YR	01/08/98	98-3/100

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R510-106	Minimum Percentage of Older Americans Act, Title III: Grants for State and Community Programs on Aging Part B: Supportive Services and Senior Centers Funds That an Area Agency on Aging Must Spend on Access, In-home and Legal Assistance	20638	5YR	01/08/98	98-3/100
R510-107	Title V Senior Community Service Employment Program Standards and Procedures	20639	5YR	01/08/98	98-3/101
R510-108	Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act	20640	5YR	01/08/98	98-3/101
R510-109	Definition of Significant Population of Older Native Americans	20641	5YR	01/08/98	98-3/102
R510-110	Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services	20642	5YR	01/08/98	98-3/102
R510-200	Long-Term Care Ombudsman Program Policy	20643	5YR	01/08/98	98-3/103
R510-400	Home and Community-Based Alternative Services Policy and Procedures	20644	5YR	01/08/98	98-3/103
<u>Child and Family Services</u>					
R512-2	Child Welfare/Aid to Families with Dependent Children (AFDC) Foster Care/Adoption	20245	AMD	02/01/98	97-24/90
R512-31	Foster Parent Due Process	20288	AMD	04/01/98	97-24/91
<u>Mental Health, State Hospital</u>					
R525-1	Patient Records	20913	EXD	03/15/98	98-7/80
R525-2	Patient Rights	20914	EXD	03/15/98	98-7/80
R525-3	Treatment Procedures	20915	EXD	03/15/98	98-7/80
R525-4	Patient Management	20916	EXD	03/15/98	98-7/80
R525-5	Patient Services	20917	EXD	03/15/98	98-7/80
<u>Recovery Services</u>					
R527-3	Definitions	20647	5YR	01/12/98	98-3/104
R527-5	Release of Information	20240	AMD	01/05/98	97-23/83
R527-39	Applicant/Recipient Cooperation	20522	NEW	02/05/98	98-1/67
R527-56	In-Kind Support	20978	5YR	04/13/98	98-9/69
R527-300	Income Withholding	20723	AMD	03/18/98	98-4/77
R527-301	Non IV-D Income Withholding	20724	AMD	03/18/98	98-4/80
R527-430	Administrative Notice of Lien-Levy Procedures	20523	NEW	02/05/98	98-1/68
R527-475	State Tax Refund Intercept	20725	AMD	03/18/98	98-4/82
R527-550	Assessment	20520	AMD	02/11/98	98-1/70
R527-928	Lost Checks	20518	AMD	02/17/98	98-1/71
INSURANCE					
<u>Administration</u>					
R590-124	Loss Information Rule	20816	5YR	02/26/98	98-6/78

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	AMD	see CPR	97-7/36
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (First)	see Second CPR	97-15/102
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (Second)	03/01/98	97-22/105
R590-155	Disclosure of Life and Disability Guaranty Association Limitations	20943	5YR	03/27/98	98-8/63
R590-157	Taxation of Surplus Lines Insurance Premiums	20944	5YR	03/27/98	98-8/64
JUDICIAL CONDUCT COMMISSION					
<u>Administration</u>					
R595-1-10	Hearing	20527	AMD	02/20/98	98-2/57
NATURAL RESOURCES					
<u>Administration</u>					
R634-1	Americans With Disabilities Complaint Procedure	20256	NEW	01/15/98	97-24/92
<u>Energy</u>					
R636-2	Public Petitions for Declaratory Rulings	20718	EXD	02/01/98	98-4/136
R636-4	Confidential Energy Information	20719	EXD	02/01/98	98-4/136
R636-5	Administrative Procedures	20720	EXD	02/01/98	98-4/136
<u>Energy and Resource Planning</u>					
R637-1	Utah Energy Saving Systems Tax Credit (ESSTC) Rules	20678	NEW	03/05/98	98-3/73
<u>Oil, Gas and Mining: Coal</u>					
R645-100-200	Definitions	20189	AMD	03/15/98	97-22/27
R645-301-500	Engineering	20190	AMD	03/15/98	97-22/38
R645-301-700	Hydrology	20191	AMD	03/15/98	97-22/59
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	20722	AMD	03/18/98	98-4/85
R653-3	Selecting Private Consultants	20597	AMD	02/18/98	98-2/58
R653-4	Investigation Account	20694	AMD	03/18/98	98-4/88
R653-5	Cloud Seeding	20593	AMD	02/18/98	98-2/60
R653-7	Administrative Procedures for Informal Proceedings	20554	AMD	02/18/98	98-2/63
R653-8	Flaming Gorge Water Right Segregation	20717	NEW	03/23/98	98-4/89
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	20241	AMD	01/15/98	97-24/95
R657-10	Taking Cougar	20928	EMR	03/19/98	98-8/57
R657-33	Taking Bear	20929	EMR	03/19/98	98-8/58

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-33	Taking Bear	20938	5YR	03/24/98	98-8/65
R657-37	Cooperative Wildlife Management Units for Big Game	20243	AMD	01/15/98	97-24/104
R657-38	Dedicated Hunter Program	20244	AMD	01/15/98	97-24/105
R657-43	General Season Landowner Deer Permits	20700	AMD	03/18/98	98-4/90
PARDONS (BOARD OF)					
<u>Administration</u>					
R671-101	Rules	20425	AMD	02/18/98	98-1/72
R671-102	Americans with Disabilities Act Complaint Procedure Rule	20427	AMD	02/18/98	98-1/73
R671-201	Original Parole Grant Hearing Schedule and Notice	20429	AMD	02/18/98	98-1/73
R671-202	Notification of Hearings	20431	AMD	02/18/98	98-1/74
R671-203	Victim Input and Notification	20433	AMD	02/18/98	98-1/75
R671-204	Pending Charges	20435	AMD	02/18/98	98-1/76
R671-205	Credit for Time Served	20486	AMD	02/18/98	98-1/76
R671-206	Competency of Offenders	20437	AMD	02/18/98	98-1/77
R671-207	Mentally-Ill Offender Custody Transfer	20439	AMD	02/18/98	98-1/78
R671-208	Confidentiality of Psychological Evaluations and Alienist Reports	20441	AMD	02/18/98	98-1/79
R671-301	Personal Appearance	20443	AMD	02/18/98	98-1/79
R671-302	News Media and Public Access to Hearings	20445	AMD	02/18/98	98-1/80
R671-303	Offender Access to Information	20447	AMD	02/18/98	98-1/82
R671-304	Hearing Record	20449	AMD	02/18/98	98-1/83
R671-305	Notification of Board Decision	20487	AMD	02/18/98	98-1/83
R671-307	Foreign Nationals and Offenders With Detainers	20451	AMD	02/18/98	98-1/84
R671-308	Offender Hearing Assistance	20453	AMD	02/18/98	98-1/84
R671-309	Impartial Hearings	20455	AMD	02/18/98	98-1/85
R671-310	Rescission Hearings	20457	AMD	02/18/98	98-1/86
R671-311	Special Attention Hearings and Reviews	20459	AMD	02/18/98	98-1/87
R671-312	Commutation Hearings for Death Penalty Cases	20489	AMD	02/18/98	98-1/87
R671-315	Pardons	20461	AMD	02/18/98	98-1/89
R671-316	Redetermination	20463	AMD	02/18/98	98-1/90
R671-317	Interim Decisions	20465	AMD	02/18/98	98-1/91
R671-402	Special Conditions of Parole	20469	AMD	02/18/98	98-1/91
R671-403	Restitution	20490	AMD	02/18/98	98-1/92
R671-405	Parole Termination	20471	AMD	02/18/98	98-1/93
R671-501	Warrants of Arrest	20473	AMD	02/18/98	98-1/93
R671-503	Prerevocation Hearings	20475	AMD	02/18/98	98-1/95
R671-504	Timeliness of Parole Revocation Hearings	20477	AMD	02/18/98	98-1/95
R671-505	Parole Revocation Hearings	20479	AMD	02/18/98	98-1/96
R671-507	Restarting the Parole Period	20481	AMD	02/18/98	98-1/98
R671-508	Evidentiary Hearings	20483	AMD	02/18/98	98-1/98

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
PROFESSIONAL PRACTICES ADVISORY COMMISSION					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	20524	NEW	02/09/98	98-1/99
PUBLIC SAFETY					
<u>Driver License</u>					
R708-1	Rehabilitation of Alcohol and Drug Problem Drivers	20335	REP	02/10/98	98-1/107
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	20632	AMD	03/04/98	98-3/76
<u>Fire Marshal</u>					
R710-2	Rules Pursuant to the Utah Fireworks Act	20712	AMD	03/18/98	98-4/93
R710-3	Residential Care and Assisted Living Facilities	20713	AMD	03/18/98	98-4/94
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	20714	AMD	03/18/98	98-4/96
R710-6	Liquefied Petroleum Gas Rules	20715	AMD	03/18/98	98-4/99
R710-7	Concerns Servicing Automatic Fire Suppression Systems	20277	AMD	01/15/98	97-24/108
R710-8	Day Care Rules	20716	AMD	03/18/98	98-4/103
R710-9	Rules Pursuant to the Utah Fire Prevention Law	20278	AMD	01/15/98	97-24/109
<u>Highway Patrol</u>					
R714-550	Rule for Spending Fees Generated by the Reinstatement of Driver Licenses	20698	AMD	03/24/98	98-4/104
<u>Law Enforcement and Technical Services, Criminal Identification</u>					
R722-1	Non-criminal Justice Agency Access to State Criminal History Files	20629	REP	03/04/98	98-3/77
<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
R724-4	Concealed Firearm Permit Rule	20806	R&R	04/16/98	98-6/46
<u>Peace Officer Standards and Training</u>					
R728-404	Basic Training Basic Academy Rules	20810	AMD	04/15/98	98-6/52
R728-408	Reserve and Auxiliary Officer Standards	20831	5YR	03/04/98	98-7/77
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	20832	5YR	03/04/98	98-7/77
R728-502	Procedure for POST Instructor Certification	20833	5YR	03/04/98	98-7/78
R728-504	Regional Training	20834	5YR	03/04/98	98-7/78
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-330	Rules for Water and Sewer Utilities Operating in Utah	20957	5YR	03/31/98	98-8/65

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R746-331	Determination of Exemption of Mutual Water Corporations	20626	EMR	01/05/98	98-3/87
R746-331	Determination of Exemption of Mutual Water Corporations	20627	NEW	04/06/98	98-3/78
R746-332	Depreciation Rates for Water Utilities	20964	5YR	04/02/98	98-9/70
R746-341	Lifeline Rule	20677	AMD	04/06/98	98-3/78
R746-342	Rule on One-Way Paging	20970	5YR	04/03/98	98-9/71
R746-356-2	Definitions	20592	NSC	01/06/98	Not Printed
R746-360	Universal Public Telecommunications Service Support Fund	20956	EMR	03/31/98	98-8/59
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	20971	5YR	04/03/98	98-9/71
R746-405	Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water and Heat Utilities	20972	5YR	04/03/98	98-9/72
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-134	Informal Adjudicative Procedures Under the Utah Administrative Procedures Act	20980	5YR	04/13/98	98-9/72
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	20981	5YR	04/13/98	98-9/73
R765-993	Records Access and Management	20982	5YR	04/13/98	98-9/73
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-80	Sale of Trust Lands	20395	AMD	02/03/98	02/03/98
STATEHOOD CENTENNIAL COMMISSION (UTAH)					
<u>Administration</u>					
R855-1	Functional Baseline: Administration	20924	EXD	03/17/98	98-8/67
R855-2	Disbursement of "Pass-Through" License Plate Revenues for Expenditure by County Centennial Committees	20925	EXD	03/17/98	98-8/67
R855-3	Disbursement of Discretionary Grants for Expenditure by County Centennial Committees, Communities, Other Groups, and Individuals	20926	EXD	03/17/98	98-8/67
TAX COMMISSION					
<u>Auditing</u>					
R865-4D-2	Clean Special Fuel Certificate, Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	20392	AMD	02/24/98	98-1/112
<u>Motor Vehicle Enforcement</u>					
R877-23V-17	Reasonable Cause for Denial, Suspension, or Revocation of License Pursuant to Utah Code Ann. Sections 41-3-105 and 41-3-209	20393	AMD	02/24/98	98-1/113

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Property Tax</u>					
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20177	AMD	01/06/98	97-22/75
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20649	AMD	03/10/98	98-3/81
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	20394	AMD	02/24/98	98-1/114
R884-24P-58	One-Time Decrease in Certified Rate Based on Estimated County Option Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20203	AMD	02/24/98	97-23/96
R884-24P-59	One-Time Decrease in Certified Rate Based on Estimated Additional Resort Communities Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20204	AMD	02/24/98	97-23/96
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	20276	AMD	01/15/98	97-24/111
R909-4-11	Maximum Towing and Storage Rates	20271	AMD	02/27/98	97-24/112
<u>Motor Carrier, Ports of Entry</u>					
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	20646	5YR	01/12/98	98-3/104
<u>Operations, Traffic and Safety</u>					
R920-5-6	On Premise School Bus Loading Zones	20730	AMD	04/01/98	98-5/47
<u>Preconstruction</u>					
R930-1	Installation of New Mailboxes and Correction of Nonconforming Mailboxes	20881	5YR	03/11/98	98-7/78
R930-5	Implementation of Agreements, Participation, Maintenance and Public Notice Responsibilities Relating to Railway-Highway Projects	20544	R&R	03/11/98	98-2/69
WORKFORCE SERVICES					
<u>Employment Development</u>					
R986-221	Demonstration Programs	20742	5YR	02/06/98	98-5/69
R986-301	Medicaid General Provisions	20743	5YR	02/06/98	98-5/70
R986-301	Medicaid General Provisions	20769	AMD	04/01/98	98-5/48
R986-302	Eligibility Requirements	20224	AMD	01/02/98	97-23/97
R986-302	Eligibility Requirements	20744	5YR	02/06/98	98-5/70
R986-303	Coverage Groups	20745	5YR	02/06/98	98-5/71
R986-303-301	A, B, and D Medicaid and A, B, and D Institutional Medicaid Coverage Groups	20319	AMD	02/03/98	98-1/116
R986-304	Income and Budgeting	20746	5YR	02/06/98	98-5/71
R986-304	Income and Budgeting	20738	EMR	02/12/98	98-5/60
R986-304	Income and Budgeting	20739	AMD	04/01/98	98-5/49

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R986-305	Resources	20726	EMR	02/12/98	98-4/123
R986-305	Resources	20747	5YR	02/06/98	98-5/72
R986-305	Resources	20770	AMD	04/01/98	98-5/55
R986-306	Program Benefits	20748	5YR	02/06/98	98-5/72
R986-306	Program Benefits	20777	AMD	04/01/98	98-5/57
R986-307	Eligibility Determination and Redetermination	20749	5YR	02/06/98	98-5/73
R986-307	Eligibility Determination and Redetermination	20774	AMD	04/01/98	98-5/58
R986-308	Record Management	20750	5YR	02/06/98	98-5/73
R986-309	Utah Medical Assistance Program (UMAP)	20751	5YR	02/06/98	98-5/74
R986-309-901	UMAP General Eligibility Requirements	20732	EMR	02/12/98	98-5/62
R986-310	Demonstration Programs	20752	5YR	02/06/98	98-5/74
R986-412	Conditions of Eligibility	20206	AMD	01/02/98	97-23/98
R986-414	Income	20207	AMD	01/02/98	97-23/99
R986-417	Documentation	20208	AMD	see CPR	97-23/100
R986-417	Documentation	20208	CPR	02/03/98	98-1/120
R986-419	Income Limits	20209	AMD	01/02/98	97-23/102
R986-420	Maximum Allotments	20210	AMD	01/02/98	97-23/102
R986-421	Demonstration Programs	20211	AMD	01/02/98	97-23/103
R986-421	Demonstration Programs	20753	5YR	02/06/98	98-5/75
R986-701	Child Care Assistance General Provisions	20754	5YR	02/06/98	98-5/75
R986-702	Conditions of Eligibility and Client Payment Amount	20755	5YR	02/06/98	98-5/76
R986-703	Child Care Programs	20756	5YR	02/06/98	98-5/77
R986-704	Income Rules and Eligibility Calculations	20757	5YR	02/06/98	98-5/77
R986-705	Resources	20758	5YR	02/06/98	98-5/78
R986-706	Provider Payment and Contracting	20759	5YR	02/06/98	98-5/78
R986-707	Eligibility	20760	5YR	02/06/98	98-5/79

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired

NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or
repealed text not printed in *Bulletin*

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACCREDITATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20657	R277-516	5YR	01/14/98	98-3/89
	20904	R277-912	5YR	03/13/98	98-7/75
<u>ADJUDICATIVE PROCEDURES</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
<u>ADJUDICATIVE PROCEEDINGS</u>					
Public Safety, Driver License	20632	R708-14	AMD	03/04/98	98-3/76
<u>ADMINISTRATIVE PROCEDURES</u>					
Human Services, Administration, Administrative Hearings	20248	R497-100	AMD	01/26/98	97-24/88
Natural Resources, Energy	20718	R636-2	EXD	02/01/98	98-4/136
	20720	R636-5	EXD	02/01/98	98-4/136
Natural Resources, Water Resources	20554	R653-7	AMD	02/18/98	98-2/63
School and Institutional Trust Lands, Administration	20395	R850-80	AMD	02/03/98	98-1/108
<u>ADOPTION</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
<u>ADULT EDUCATION</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
<u>AGRICULTURAL LAW</u>					
Agriculture and Food, Animal Industry	20279	R58-19	NEW	01/15/98	97-24/12
Agriculture and Food, Plant Industry	20280	R68-19	NEW	01/15/98	97-24/13
	20813	R68-19-4	AMD	04/15/98	98-6/16
Agriculture and Food, Regulatory Services	20281	R70-201	NEW	01/15/98	97-24/14
	20814	R70-201-4	AMD	04/15/98	98-6/16
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20099	R307-2-12	AMD	01/08/98	97-21/14
	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>ALCOHOL</u>					
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104
<u>ALTERNATIVE LANGUAGE SERVICES</u>					
Education, Administration	20669	R277-716	5YR	01/14/98	98-3/94
<u>ALTERNATIVE SCHOOL</u>					
Education, Administration	20673	R277-730	5YR	01/14/98	98-3/96
<u>ANTIPOVERTY PROGRAMS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>APPELLATE PROCEDURES</u>					
Agriculture and Food, Administration	20931	R51-2	5YR	03/19/98	98-8/63

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Education, Administration	20904	R277-912	5YR	03/13/98	98-7/75
<u>APPRAISAL</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>ARCHITECTS</u>					
Commerce, Occupational and Professional Licensing	20200	R156-3a	AMD	see CPR	97-23/4
	20200	R156-3a	CPR	02/18/98	98-2/79
<u>ART IN PUBLIC PLACES</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
	20812	R207-2	5YR	02/25/98	98-6/77
<u>ARTISTS</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>ART PRESERVATION</u>					
Community and Economic Development, Community Development, Fine Arts	20812	R207-2	5YR	02/25/98	98-6/77
<u>ARTS</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>ART WORKS</u>					
Community and Economic Development, Community Development, Fine Arts	20812	R207-2	5YR	02/25/98	98-6/77
<u>AUXILIARY OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20831	R728-408	5YR	03/04/98	98-7/77
<u>BANKS AND BANKING</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
<u>BASIC ACADEMY RULES</u>					
Public Safety, Peace Officer Standards and Training	20810	R728-404	AMD	04/15/98	98-6/52
<u>BEAR</u>					
Natural Resources, Wildlife Resources	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
<u>BENEFITS</u>					
Workforce Services, Employment Development	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>BIG GAME SEASONS</u>					
Natural Resources, Wildlife Resources	20241	R657-5	AMD	01/15/98	97-24/95
	20700	R657-43	AMD	03/18/98	98-4/90
<u>BRACHYTHERAPY</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65
<u>BUDGETING</u>					
Administrative Services, Facilities Construction and Management	20706	R23-8	5YR	01/28/98	98-4/130
Workforce Services, Employment Development	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
<u>BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20703	R23-5	5YR	01/28/98	98-4/128
	20708	R23-10	5YR	01/28/98	98-4/131
	20709	R23-11	5YR	01/28/98	98-4/131
	20711	R23-24	5YR	01/28/98	98-4/132
<u>CAPITAL PUNISHMENT</u>					
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	20489	R671-312	AMD	02/18/98	98-1/87
<u>CAREER EDUCATION</u>					
Education, Administration	20670	R277-718	5YR	01/14/98	98-3/95
<u>CARRYOVER FUNDING</u>					
Human Services, Aging and Adult Services	20635	R510-101	5YR	01/08/98	98-3/99
<u>CENTENNIAL</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
<u>CHILD CARE</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20755	R986-702	5YR	02/06/98	98-5/76
	20756	R986-703	5YR	02/06/98	98-5/77
	20757	R986-704	5YR	02/06/98	98-5/77
	20758	R986-705	5YR	02/06/98	98-5/78
	20759	R986-706	5YR	02/06/98	98-5/78
	20760	R986-707	5YR	02/06/98	98-5/79
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	20264	R430-2	NEW	02/04/98	97-24/66
	20265	R430-3	NEW	01/21/98	97-24/69
	20266	R430-5	NEW	02/05/98	97-24/71
	20267	R430-6	NEW	01/20/98	97-24/75
	20645	R430-10	EMR	01/09/98	98-3/86

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20684	R430-10	EMR	01/20/98	98-4/122
	20268	R430-30	NEW	01/21/98	97-24/79
	20269	R430-100	NEW	02/05/98	97-24/79
<u>CHILDREN</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20755	R986-702	5YR	02/06/98	98-5/76
<u>CHILD SUPPORT</u>					
Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
	20240	R527-5	AMD	01/05/98	97-23/83
	20522	R527-39	NEW	02/05/98	98-1/67
	20978	R527-56	5YR	04/13/98	98-9/69
	20723	R527-300	AMD	03/18/98	98-4/77
	20724	R527-301	AMD	03/18/98	98-4/80
	20523	R527-430	NEW	02/05/98	98-1/68
	20725	R527-475	AMD	03/18/98	98-4/82
	20520	R527-550	AMD	02/11/98	98-1/70
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
	20288	R512-31	AMD	04/01/98	97-24/91
<u>CIVIL RIGHTS</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>CLIENT PAYMENT</u>					
Workforce Services, Employment Development	20755	R986-702	5YR	02/06/98	98-5/76
<u>CLIENT RIGHTS</u>					
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
<u>COAL MINES</u>					
Natural Resources; Oil, Gas, and Mining; Coal	20189	R645-100-200	AMD	03/15/98	97-22/27
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
<u>COLLEGES</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
	20982	R765-993	5YR	04/13/98	98-9/73
<u>COMMUNICATIONS</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>COMMUNITY ACTION PROGRAMS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>COMMUNITY HEALTH SERVICES</u>					
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68
<u>COMMUNITY SCHOOLS</u>					
Education, Administration	20674	R277-732	5YR	01/14/98	98-3/97
<u>COMPLAINT PROCEDURES</u>					
Corrections, Administration	20841	R251-112	5YR	03/06/98	98-7/72
<u>CONCEALED FIREARM PERMITS</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	20806	R724-4	R&R	04/16/98	98-6/46
<u>CONDUCT</u>					
Commerce, Real Estate	20625	R162-107	NEW	03/04/98	98-2/22
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>CONFIDENTIALITY</u>					
Human Services, Recovery Services	20240	R527-5	AMD	01/05/98	97-23/83
<u>CONFIDENTIALITY OF INFORMATION</u>					
Natural Resources, Energy	20719	R636-4	EXD	02/01/98	98-4/136
<u>CONSTRUCTION</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
<u>CONSTRUCTION COSTS</u>					
Administrative Services, Facilities Construction and Management	20704	R23-6	5YR	01/28/98	98-4/129
<u>CONSTRUCTION DISPUTES</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
<u>CONSULTANTS</u>					
Natural Resources, Water Resources	20597	R653-3	AMD	02/18/98	98-2/58
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
<u>CONTINGENCY FUND</u>					
Administrative Services, Facilities Construction and Management	20703	R23-5	5YR	01/28/98	98-4/128
<u>CONTRACTING</u>					
Workforce Services, Employment Development	20759	R986-706	5YR	02/06/98	98-5/78
<u>CONTRACTORS</u>					
Commerce, Occupational and Professional Licensing	20650	R156-55a	AMD	03/05/98	98-3/23
<u>CONTRACTS</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
Corrections, Administration	20843	R251-304	5YR	03/06/98	98-7/73
<u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u>					
Natural Resources, Wildlife Resources	20243	R657-37	AMD	01/15/98	97-24/104

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CORRECTIONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
	20843	R251-304	5YR	03/06/98	98-7/73
	20198	R251-707	AMD	01/15/98	97-23/8
	20379	R251-710	AMD	03/15/98	98-1/14
<u>COUGAR</u>					
Natural Resources, Wildlife Resources	20928	R657-10	EMR	03/19/98	98-8/57
<u>COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
<u>COVERAGE GROUPS</u>					
Workforce Services, Employment Development	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116
<u>CRIMINAL COMPETENCY</u>					
Pardons (Board of), Administration	20437	R671-206	AMD	02/18/98	98-1/77
	20439	R671-207	AMD	02/18/98	98-1/78
<u>CRIMINAL RECORDS</u>					
Public Safety, Law Enforcement and Technical Services, Criminal Identification	20629	R722-1	REP	03/04/98	98-3/77
<u>CULTURE</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>CURRICULA</u>					
Education, Administration	20664	R277-700	5YR	01/14/98	98-3/92
	20665	R277-701	5YR	01/14/98	98-3/93
<u>DAY CARE</u>					
Public Safety, Fire Marshal	20716	R710-8	AMD	03/18/98	98-4/103
<u>DEFINITIONS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	20742	R986-221	5YR	02/06/98	98-5/69
	20752	R986-310	5YR	02/06/98	98-5/74
	20753	R986-421	5YR	02/06/98	98-5/75
<u>DENTAL HYGIENISTS</u>					
Commerce, Occupational and Professional Licensing	20776	R156-69	AMD	04/01/98	98-5/6
<u>DENTISTS</u>					
Commerce, Occupational and Professional Licensing	20776	R156-69	AMD	04/01/98	98-5/6
<u>DISABILITIES</u>					
Pardons (Board of), Administration	20427	R671-102	AMD	02/18/98	98-1/73

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DISABLED PERSONS</u>					
Administrative Services, Administration	20631	R13-3	5YR	01/08/98	98-3/89
Corrections, Administration	20841	R251-112	5YR	03/06/98	98-7/72
<u>DISCIPLINARY ACTIONS</u>					
Education, Administration	20781	R277-514	R&R	04/07/98	98-5/13
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	20789	R309-105	EXD	02/01/98	98-5/80
	20290	R309-106	REP	03/01/98	97-24/26
	20291	R309-107	REP	03/01/98	97-24/33
	20292	R309-108	REP	03/01/98	97-24/37
	20293	R309-109	REP	03/01/98	97-24/47
	20294	R309-110	REP	03/01/98	97-24/56
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
<u>DRIVER EDUCATION</u>					
Education, Administration	20901	R277-746	5YR	03/13/98	98-7/74
	20902	R277-747	5YR	03/13/98	98-7/74
<u>DRUGS</u>					
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104
<u>DUE PROCESS</u>					
Human Services, Child and Family Services	20288	R512-31	AMD	04/01/98	97-24/91
<u>EDUCATION</u>					
Education, Administration	20665	R277-701	5YR	01/14/98	98-3/93
	20667	R277-709	5YR	01/14/98	98-3/94
	20670	R277-718	5YR	01/14/98	98-3/95
	20673	R277-730	5YR	01/14/98	98-3/96
<u>EDUCATIONAL POLICY</u>					
Regents (Board of), Administration	20981	R765-555	5YR	04/13/98	98-9/73
<u>EDUCATIONAL TESTING</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
<u>EDUCATION FINANCE</u>					
	20900	R277-740	5YR	03/13/98	98-7/74
<u>ELDERCARE</u>					
Human Services, Aging and Adult Services	20642	R510-110	5YR	01/08/98	98-3/102
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
	20635	R510-101	5YR	01/08/98	98-3/99
	20636	R510-102	5YR	01/08/98	98-3/99
	20637	R510-103	5YR	01/08/98	98-3/100
	20638	R510-106	5YR	01/08/98	98-3/100
	20639	R510-107	5YR	01/08/98	98-3/101
	20640	R510-108	5YR	01/08/98	98-3/101
	20641	R510-109	5YR	01/08/98	98-3/102

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20643	R510-200	5YR	01/08/98	98-3/103
	20644	R510-400	5YR	01/08/98	98-3/103
<u>ELIGIBILITY</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
Workforce Services, Employment Development	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20755	R986-702	5YR	02/06/98	98-5/76
	20757	R986-704	5YR	02/06/98	98-5/77
<u>EMPLOYEE LEASING COMPANY</u>					
Commerce, Occupational and Professional Licensing	20701	R156-59	5YR	01/27/98	98-4/134
<u>EMPLOYMENT</u>					
Human Services, Aging and Adult Services	20639	R510-107	5YR	01/08/98	98-3/101
<u>ENFORCEMENT (ADMINISTRATIVE)</u>					
Natural Resources, Energy	20718	R636-2	EXD	02/01/98	98-4/136
<u>ENGINEERS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>ENVIRONMENTAL HEALTH</u>					
Environmental Quality, Drinking Water	20789	R309-105	EXD	02/01/98	98-5/80
	20290	R309-106	REP	03/01/98	97-24/26
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>EQUAL ACCESS</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>ETHICS</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>EXCEPTIONAL CHILDREN</u>					
Education, Administration	20668	R277-710	5YR	01/14/98	98-3/94
	20900	R277-740	5YR	03/13/98	98-7/74
	20903	R277-751	5YR	03/13/98	98-7/75
<u>EXECUTIONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
<u>EXEMPTIONS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
<u>EXTRACURRICULAR ACTIVITIES</u>					
Education, Administration	20660	R277-605	5YR	01/14/98	98-3/91
	20661	R277-606	5YR	01/14/98	98-3/91
<u>FEES</u>					
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>FINANCIAL DISCLOSURE</u>					
Workforce Services, Employment Development	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	20714	R710-4	AMD	03/18/98	98-4/96
	20277	R710-7	AMD	01/15/98	97-24/108
	20716	R710-8	AMD	03/18/98	98-4/103
	20278	R710-9	AMD	01/15/98	97-24/109
<u>FIREWORKS</u>					
Public Safety, Fire Marshal	20712	R710-2	AMD	03/18/98	98-4/93
<u>FOOD AID PROGRAMS</u>					
Education, Administration	20671	R277-721	5YR	01/14/98	98-3/95
	20672	R277-722	5YR	01/14/98	98-3/96
<u>FOOD SALES TAX REFUNDS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
	20209	R986-419	AMD	01/02/98	97-23/102
	20210	R986-420	AMD	01/02/98	97-23/102
<u>FOREIGN STUDENTS</u>					
Education, Administration	20663	R277-615	5YR	01/14/98	98-3/92
<u>FOSTER CARE</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
	20288	R512-31	AMD	04/01/98	97-24/91
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70
<u>FRAUD</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
<u>FREE ENTERPRISE</u>					
Regents (Board of), Administration	20981	R765-555	5YR	04/13/98	98-9/73
<u>FUEL</u>					
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
<u>FUNDING FORMULA</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
<u>GAME LAWS</u>					
Natural Resources, Wildlife Resources	20241	R657-5	AMD	01/15/98	97-24/95
	20928	R657-10	EMR	03/19/98	98-8/57
	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>GASOLINE</u>					
Environmental Quality, Air Quality	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>GENERAL PROVISIONS</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
<u>GIFTED CHILDREN</u>					
Education, Administration	20668	R277-710	5YR	01/14/98	98-3/94
<u>GOVERNMENT HEARINGS</u>					
Agriculture and Food, Administration	20931	R51-2	5YR	03/19/98	98-8/63
Human Services, Administration, Administrative Services, Management Services	20895	R503-5	5YR	03/13/98	98-7/76
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	20449	R671-304	AMD	02/18/98	98-1/83
	20487	R671-305	AMD	02/18/98	98-1/83
	20465	R671-317	AMD	02/18/98	98-1/91
	20490	R671-403	AMD	02/18/98	98-1/92
	20475	R671-503	AMD	02/18/98	98-1/95
	20477	R671-504	AMD	02/18/98	98-1/95
	20479	R671-505	AMD	02/18/98	98-1/96
	20483	R671-508	AMD	02/18/98	98-1/98
<u>GOVERNMENT PURCHASING</u>					
Natural Resources, Water Resources	20597	R653-3	AMD	02/18/98	98-2/58
<u>GRANTS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68
<u>GRIEVANCE PROCEDURES</u>					
Administrative Services, Administration	20631	R13-3	5YR	01/08/98	98-3/89
<u>HAZARDOUS WASTE</u>					
Community and Economic Development, Community Development, History	20528	R212-12	NEW	03/10/98	98-2/23
Environmental Quality, Solid and Hazardous Waste	20382	R315-1	AMD	02/20/98	98-1/15
	20383	R315-2	AMD	02/20/98	98-1/17
	20384	R315-3	AMD	02/20/98	98-1/27
	20385	R315-4	AMD	02/20/98	98-1/35
	20538	R315-6-7	AMD	02/20/98	98-2/24
	20386	R315-7	AMD	02/20/98	98-1/36
	20387	R315-8	AMD	02/20/98	98-1/38
	20388	R315-13	AMD	02/20/98	98-1/39
	20389	R315-14-7	AMD	02/20/98	98-1/40
	20390	R315-16	AMD	02/20/98	98-1/40
	20391	R315-50	AMD	02/20/98	98-1/50

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>HEALTH</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
	20731	R428-13	NEW	04/05/98	98-5/40
<u>HEALTH FACILITIES</u>					
Health, Health Systems Improvement, Health Facility Licensure	20582	R432-16	NEW	03/04/98	98-2/27
	20558	R432-102	AMD	02/24/98	98-2/31
	20685	R432-151	5YR	01/20/98	98-4/134
	20559	R432-550	AMD	02/24/98	98-2/34
	20560	R432-600	AMD	02/24/98	98-2/39
	20561	R432-700	AMD	02/24/98	98-2/42
	20562	R432-750	AMD	03/04/98	98-2/49
<u>HEALTH PLANNING</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
	20731	R428-13	NEW	04/05/98	98-5/40
<u>HEALTH POLICY</u>					
Health, Health Data Analysis	20731	R428-13	NEW	04/05/98	98-5/40
<u>HEARINGS</u>					
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>HIGHER EDUCATION</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
	20982	R765-993	5YR	04/13/98	98-9/73
<u>HOME CARE SERVICES</u>					
Human Services, Aging and Adult Services	20644	R510-400	5YR	01/08/98	98-3/103
<u>HOSPITAL POLICY</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
<u>HUMAN SERVICES</u>					
Human Services, Administrative Services, Licensing	20179	R501-17	NEW	03/15/98	97-22/24
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>HYDROELECTRIC POWER</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>INCOME</u>					
Human Services, Recovery Services	20723	R527-300	AMD	03/18/98	98-4/77
Workforce Services, Employment Development	20742	R986-221	5YR	02/06/98	98-5/69
	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
	20752	R986-310	5YR	02/06/98	98-5/74
	20207	R986-414	AMD	01/02/98	97-23/99
	20211	R986-421	AMD	01/02/98	97-23/103
	20753	R986-421	5YR	02/06/98	98-5/75
	20757	R986-704	5YR	02/06/98	98-5/77
<u>INMATE</u>					
Pardons (Board of), Administration	20429	R671-201	AMD	02/18/98	98-1/73
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86
	20459	R671-311	AMD	02/18/98	98-1/87
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91
<u>INMATES' RIGHTS</u>					
Pardons (Board of), Administration	20447	R671-303	AMD	02/18/98	98-1/82
<u>IN-SERVICE TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78
<u>INSPECTIONS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
	20236	R313-18	AMD	01/23/98	97-23/61
<u>INSTRUCTIONAL MATERIALS</u>					
Education, Administration	20779	R277-469	NEW	04/07/98	98-5/7
<u>INSTRUCTOR CERTIFICATION</u>					
Public Safety, Peace Officer Standards and Training	20833	R728-502	5YR	03/04/98	98-7/78
<u>INSURANCE</u>					
Insurance, Administration	20943	R590-155	5YR	03/27/98	98-8/63
	20944	R590-157	5YR	03/27/98	98-8/64
<u>INSURANCE COMPANIES</u>					
Insurance, Administration	20816	R590-124	5YR	02/26/98	98-6/78

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>INSURANCE LAW</u>					
Insurance, Administration	18730	R590-132	AMD	see CPR	97-7/36
	18730	R590-132	CPR (First)	see Second CPR	97-15/102
	18730	R590-132	CPR (Second)	03/01/98	97-22/105
<u>JUDGES</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>JUDICIAL ETHICS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>JUVENILE COURTS</u>					
Education, Administration	20667	R277-709	5YR	01/14/98	98-3/94
<u>LABORATORIES</u>					
Health, Laboratory Services, Laboratory Improvement	20521	R444-14	R&R	02/19/98	98-1/51
<u>LANDOWNER PERMITS</u>					
Natural Resources, Wildlife Resources	20700	R657-43	AMD	03/18/98	98-4/90
<u>LAW</u>					
Public Safety, Fire Marshal	20278	R710-9	AMD	01/15/98	97-24/109
<u>LAW ENFORCEMENT OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20810	R728-404	AMD	04/15/98	98-6/52
	20831	R728-408	5YR	03/04/98	98-7/77
	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78
<u>LEASES</u>					
Administrative Services, Facilities Construction and Management	20710	R23-21	5YR	01/28/98	98-4/132
<u>LEASING SERVICES</u>					
Administrative Services, Facilities Construction and Management	20710	R23-21	5YR	01/28/98	98-4/132
<u>LEGAL AID</u>					
Corrections, Administration	20198	R251-707	AMD	01/15/98	97-23/8
<u>LIBERTIES</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>LIBRARIES</u>					
Education, Administration	20657	R277-516	5YR	01/14/98	98-3/89
<u>LICENSING</u>					
Commerce, Occupational and Professional Licensing	20200	R156-3a	AMD	see CPR	97-23/4
	20200	R156-3a	CPR	02/18/98	98-2/79
	20778	R156-16a	AMD	04/01/98	98-5/4
	20492	R156-17a	AMD	02/24/98	98-1/3
	20697	R156-40	5YR	01/27/98	98-4/133

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98-1/199
	20650	R156-55a	AMD	03/05/98	98-3/23
	20701	R156-59	5YR	01/27/98	98-4/134
	20581	R156-60b	AMD	02/18/98	98-2/18
	20359	R156-60c	AMD	02/03/98	98-1/6
	20273	R156-60d	AMD	01/15/98	97-24/16
	20342	R156-61	AMD	02/03/98	98-1/10
	20776	R156-69	AMD	04/01/98	98-5/6
Environmental Quality, Radiation Control	20236	R313-18	AMD	01/23/98	97-23/61
Human Services, Administrative Services, Licensing	20179	R501-17	NEW	03/15/98	97-22/24
<u>LIFELINE RATES</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety, Fire Marshal	20715	R710-6	AMD	03/18/98	98-4/99
<u>LONG-TERM CARE ALTERNATIVES</u>					
Human Services, Aging and Adult Services	20644	R510-400	5YR	01/08/98	98-3/103
<u>LONG-TERM CARE OMBUDSMAN</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
<u>MAJOR SOURCES</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
<u>MARRIAGE AND FAMILY THERAPISTS</u>					
Commerce, Occupational and Professional Licensing	20581	R156-60b	AMD	02/18/98	98-2/18
<u>MEDICAID</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	20542	R414-3X	REP	02/20/98	98-2/25
	20648	R414-4X	5YR	01/12/98	98-3/97
	20825	R414-10A	EMR	02/26/98	98-6/64
	20652	R414-10A	AMD	03/19/98	98-3/44
	20612	R414-10X	REP	02/20/98	98-2/26
	20762	R414-12	5YR	02/09/98	98-5/66
	20922	R414-13x	EXD	03/15/98	98-7/80
	20232	R414-15	AMD	01/13/98	97-23/80
	20212	R414-17	REP	01/13/98	97-23/82
	20653	R414-22	5YR	01/13/98	98-3/97
	20654	R414-22	AMD	03/19/98	98-3/56
	20345	R414-24	REP	02/04/98	98-1/51
	20613	R414-25X	REP	02/20/98	98-2/26
	20764	R414-26	5YR	02/09/98	98-5/66

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20735	R414-27	5YR	02/04/98	98-5/67
	20993	R414-28	EXD	04/14/98	98-9/74
	20655	R414-30	REP	03/19/98	98-3/60
	20766	R414-31x	5YR	02/09/98	98-5/67
	20767	R414-32	5YR	02/09/98	98-5/68
	20656	R414-36	REP	03/19/98	98-3/66
	20994	R414-42	EXD	04/14/98	98-9/74
Workforce Services, Employment Development	20769	R986-301	AMD	04/01/98	98-5/48
<u>MEDICAL RECORDS</u>					
Mental Health, State Hospital	20913	R525-1	EXD	03/15/98	98-7/80
	20915	R525-3	EXD	03/15/98	98-7/80
<u>MENTAL HEALTH</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
<u>MENTAL HEALTH SERVICES</u>					
Mental Health, State Hospital	20916	R525-4	EXD	03/15/98	98-7/80
	20917	R525-5	EXD	03/15/98	98-7/80
<u>MOTOR VEHICLES</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20100	R307-8-3	AMD	01/08/98	97-21/15
Tax Commission, Motor Vehicle Enforcement	20393	R877-23V-17	AMD	02/24/98	98-1/113
<u>MUTUAL WATER CORPORATIONS</u>					
Public Service Commission, Administration	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
<u>NAMING PROCESS</u>					
Administrative Services, Facilities Construction and Management	20708	R23-10	5YR	01/28/98	98-4/131
<u>NATIVE AMERICAN</u>					
Human Services, Aging and Adult Services	20641	R510-109	5YR	01/08/98	98-3/102
<u>NEWS AGENCIES</u>					
Pardons (Board of), Administration	20445	R671-302	AMD	02/18/98	98-1/80
<u>NUCLEAR MEDICINE</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65
<u>NURSES</u>					
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68
<u>NURSING HOMES</u>					
Human Services, Aging and Adult Services	20637	R510-103	5YR	01/08/98	98-3/100

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>OCCUPATIONAL LICENSING</u>					
Commerce, Occupational and Professional Licensing	20650	R156-55a	AMD	03/05/98	98-3/23
<u>OMBUDSMAN</u>					
Human Services, Aging and Adult Services	20643	R510-200	5YR	01/08/98	98-3/103
<u>OPTOMETRISTS</u>					
Commerce, Occupational and Professional Licensing	20778	R156-16a	AMD	04/01/98	98-5/4
<u>OVERSIZE/OVERWEIGHT TRUCKS</u>					
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>PARDONS</u>					
Pardons (Board of), Administration	20425	R671-101	AMD	02/18/98	98-1/72
	20461	R671-315	AMD	02/18/98	98-1/89
<u>PAROLE</u>					
Pardons (Board of), Administration	20429	R671-201	AMD	02/18/98	98-1/73
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76
	20486	R671-205	AMD	02/18/98	98-1/76
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20451	R671-307	AMD	02/18/98	98-1/84
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86
	20459	R671-311	AMD	02/18/98	98-1/87
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91
	20469	R671-402	AMD	02/18/98	98-1/91
	20490	R671-403	AMD	02/18/98	98-1/92
	20471	R671-405	AMD	02/18/98	98-1/93
	20475	R671-503	AMD	02/18/98	98-1/95
	20477	R671-504	AMD	02/18/98	98-1/95
	20479	R671-505	AMD	02/18/98	98-1/96
	20481	R671-507	AMD	02/18/98	98-1/98
	20483	R671-508	AMD	02/18/98	98-1/98
<u>PARTICULATE MATTER</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>PATIENTS</u>					
Mental Health, State Hospital	20916	R525-4	EXD	03/15/98	98-7/80
<u>PATIENTS' RIGHTS</u>					
Mental Health, State Hospital	20914	R525-2	EXD	03/15/98	98-7/80
	20915	R525-3	EXD	03/15/98	98-7/80

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PAYING STANDARDS</u>					
Public Service Commission, Administration	20970	R746-342	5YR	04/03/98	98-9/71
<u>PEDESTRIANS</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>PERMITS</u>					
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>PERSONAL PROPERTY</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>PETROLEUM</u>					
Environmental Quality, Air Quality	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>PHARMACIES</u>					
Commerce, Occupational and Professional Licensing	20492	R156-17a	AMD	02/24/98	98-1/3
<u>PHARMACISTS</u>					
Commerce, Occupational and Professional Licensing	20492	R156-17a	AMD	02/24/98	98-1/3
<u>PLANNING-PROGRAMMING-BUDGETING</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129
	20706	R23-8	5YR	01/28/98	98-4/130
<u>POLICE TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20832	R728-411	5YR	03/04/98	98-7/77
<u>POPULATION</u>					
Human Services, Aging and Adult Services	20641	R510-109	5YR	01/08/98	98-3/102
<u>POSTAL SERVICE</u>					
Transportation, Preconstruction	20881	R930-1	5YR	03/11/98	98-7/78
<u>PRISON RELEASE</u>					
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
<u>PRISONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
	20196	R251-703	AMD	01/15/98	97-23/6
	20198	R251-707	AMD	01/15/98	97-23/8
	20379	R251-710	AMD	03/15/98	98-1/14
<u>PRIVACY LAW</u>					
Human Services, Recovery Services	20240	R527-5	AMD	01/05/98	97-23/83
<u>PRIVATE SCHOOLS</u>					
Education, Administration	20902	R277-747	5YR	03/13/98	98-7/74
<u>PROCEEDINGS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PROFESSIONAL COMPETENCY</u>					
Education, Administration	20781	R277-514	R&R	04/07/98	98-5/13
	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
Public Safety, Peace Officer Standards and Training	20832	R728-411	5YR	03/04/98	98-7/77
<u>PROFESSIONAL COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
<u>PROFESSIONAL EDUCATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20658	R277-518	5YR	01/14/98	98-3/90
<u>PROFESSIONAL ENGINEERS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>PROFESSIONAL LAND SURVEYORS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>PROGRAM BENEFITS</u>					
Workforce Services, Employment Development	20748	R986-306	5YR	02/06/98	98-5/72
	20777	R986-306	AMD	04/01/98	98-5/57
<u>PROGRAM TYPE</u>					
Workforce Services, Employment Development	20756	R986-703	5YR	02/06/98	98-5/77
<u>PROMOTIONS</u>					
Agriculture and Food, Marketing and Conservation	20699	R65-11	NEW	03/19/98	98-4/8
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>PROVIDER PAYMENT</u>					
Workforce Services, Employment Development	20759	R986-706	5YR	02/06/98	98-5/78
<u>PSYCHIATRIC CARE</u>					
Mental Health, State Hospital	20915	R525-3	EXD	03/15/98	98-7/80
	20916	R525-4	EXD	03/15/98	98-7/80
<u>PSYCHOLOGICAL</u>					
Pardons (Board of), Administration	20441	R671-208	AMD	02/18/98	98-1/79
<u>PSYCHOLOGISTS</u>					
Commerce, Occupational and Professional Licensing	20342	R156-61	AMD	02/03/98	98-1/10
<u>PUBLIC ASSISTANCE OVERPAYMENTS</u>					
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PUBLIC ASSISTANCE PROGRAMS</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
Workforce Services, Employment Development	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20750	R986-308	5YR	02/06/98	98-5/73
<u>PUBLIC BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20704	R23-6	5YR	01/28/98	98-4/129
	20705	R23-7	5YR	01/28/98	98-4/129
	20706	R23-8	5YR	01/28/98	98-4/130
Public Safety, Fire Marshal	20714	R710-4	AMD	03/18/98	98-4/96
<u>PUBLIC EDUCATION</u>					
Education, Administration	20669	R277-716	5YR	01/14/98	98-3/94
<u>PUBLIC UTILITIES</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
	20964	R746-332	5YR	04/02/98	98-9/70
	20970	R746-342	5YR	04/03/98	98-9/71
	20956	R746-360	EMR	03/31/98	98-8/59
	20971	R746-402	5YR	04/03/98	98-9/71
	20972	R746-405	5YR	04/03/98	98-9/72
<u>QUARANTINE</u>					
Agriculture and Food, Plant Industry	20838	R68-15	5YR	03/05/98	98-7/72
<u>RADIATION</u>					
Environmental Quality, Radiation Control	20237	R313-25	AMD	01/23/98	97-23/62
<u>RADIATION SAFETY</u>					
Environmental Quality, Radiation Control	20236	R313-18	AMD	01/23/98	97-23/61
<u>RADIOACTIVE MATERIAL</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
	20236	R313-18	AMD	01/23/98	97-23/61
	20238	R313-32	AMD	01/23/98	97-23/65
<u>RADIOACTIVE WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	20237	R313-25	AMD	01/23/98	97-23/62
<u>RADIOLOGY PRACTICAL TECHNICIAN</u>					
Commerce, Occupational and Professional Licensing	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98/1/199
<u>RADIOLOGY TECHNOLOGIST</u>					
Commerce, Occupational and Professional Licensing	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98/1/199

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RADIOPHARMACEUTICAL</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65
<u>RAILROAD CROSSINGS</u>					
Transportation, Preconstruction	20544	R930-5	R&R	03/11/98	98-2/69
<u>RAILROADS</u>					
Transportation, Preconstruction	20544	R930-5	R&R	03/11/98	98-2/69
<u>REAL ESTATE APPRAISAL</u>					
Commerce, Real Estate	20625	R162-107	NEW	03/04/98	98-2/22
<u>RECLAMATION</u>					
Natural Resources; Oil, Gas, and Mining; Coal	20189	R645-100-200	AMD	03/15/98	97-22/27
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
<u>RECORDS</u>					
Pardons (Board of), Administration	20447	R671-303	AMD	02/18/98	98-1/82
Workforce Services, Employment Development	20750	R986-308	5YR	02/06/98	98-5/73
<u>RECORDS ACCESS</u>					
Regents (Board of), Administration	20982	R765-993	5YR	04/13/98	98-9/73
<u>RECORDS MANAGEMENT</u>					
Regents (Board of), Administration	20982	R765-993	5YR	04/13/98	98-9/73
<u>RECREATION</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>RECREATIONAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	20697	R156-40	5YR	01/27/98	98-4/133
<u>REGIONAL TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20834	R728-504	5YR	03/04/98	98-7/78
<u>REHABILITATION</u>					
Education, Applied Technology Education (Board for), Rehabilitation	20905	R280-200	5YR	03/13/98	98-7/76
Public Safety, Driver License	20335	R708-1	REP	02/10/98	98-1/107
<u>RELIGIOUS EDUCATION</u>					
Education, Administration	20662	R277-610	5YR	01/14/98	98-3/91
<u>RESERVE OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20831	R728-408	5YR	03/04/98	98-7/77
<u>RESIDENTIAL CARE/ASSISTED LIVING</u>					
Public Safety, Fire Marshal	20713	R710-3	AMD	03/18/98	98-4/94
<u>RESOURCES</u>					
Workforce Services, Employment Development	20726	R986-305	EMR	02/12/98	98-4/123
	20747	R986-305	5YR	02/06/98	98-5/72
	20770	R986-305	AMD	04/01/98	98-5/55
	20758	R986-705	5YR	02/06/98	98-5/78

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RESTITUTION</u>					
Pardons (Board of), Administration	20490	R671-403	AMD	02/18/98	98-1/92
<u>RULES AND PROCEDURES</u>					
Public Service Commission, Administration	20964	R746-332	5YR	04/02/98	98-9/70
	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20971	R746-402	5YR	04/03/98	98-9/71
	20972	R746-405	5YR	04/03/98	98-9/72
<u>RURAL POLICY</u>					
Human Services, Aging and Adult Services	20640	R510-108	5YR	01/08/98	98-3/100
<u>SAFETY</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
<u>SAFETY REGULATIONS</u>					
Transportation, Motor Carrier	20271	R909-4-11	AMD	02/27/98	97-24/112
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>SALES</u>					
School and Institutional Trust Lands, Administration	20395	R850-80	AMD	02/03/98	98-1/108
<u>SANCTIONS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>SCHOOL BUSES</u>					
Education, Administration	20659	R277-600	5YR	01/14/98	98-3/90
<u>SCHOOL PERSONNEL</u>					
Education, Administration	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
<u>SCHOOL TRANSPORTATION</u>					
Education, Administration	20659	R277-600	5YR	01/14/98	98-3/90
<u>SCHOOL YEAR</u>					
Education, Administration	20903	R277-751	5YR	03/13/98	98-7/75
<u>SEARCH AND SEIZURE</u>					
Corrections, Administration	20379	R251-710	AMD	03/15/98	98-1/14
<u>SECURITIES</u>					
Commerce, Securities	20679	R164-4	AMD	03/04/98	98-3/31
	20680	R164-5	AMD	03/04/98	98-3/38
<u>SECURITIES REGULATION</u>					
Commerce, Securities	20679	R164-4	AMD	03/04/98	98-3/31
	20680	R164-5	AMD	03/04/98	98-3/38
	20681	R164-6-1g	AMD	03/04/98	98-3/40
	20682	R164-26-6	AMD	03/04/98	98-3/44
<u>SECURITY MEASURES</u>					
Corrections, Administration	20379	R251-710	AMD	03/15/98	98-1/14

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SENIOR CENTERS</u>					
Human Services, Aging and Adult Services	20637	R510-103	5YR	01/08/98	98-3/100
<u>SENTENCING</u>					
Pardons (Board of), Administration	20471	R671-405	AMD	02/18/98	98-1/93
<u>SERVICE COORDINATION</u>					
Human Services, Aging and Adult Services	20636	R510-102	5YR	01/08/98	98-3/99
<u>SEWERAGE</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
<u>SMALL BUSINESS ASSISTANCE PROGRAM</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>SOCIAL SECURITY</u>					
Workforce Services, Employment Development	20206	R986-412	AMD	01/02/98	97-23/98
<u>SOCIAL SERVICES</u>					
Human Services, Administration, Administrative Hearings	20248	R497-100	AMD	01/26/98	97-24/88
<u>SOLAR ENERGY</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>SOLID WASTE MANAGEMENT</u>					
Environmental Quality, Solid and Hazardous Waste	20965	R315-301	5YR	04/02/98	98-9/65
	19876	R315-301-2	AMD	see CPR	97-19/23
	19876	R315-301-2	CPR	01/05/98	97-23/111
	20966	R315-302	5YR	04/02/98	98-9/66
	20967	R315-303	5YR	04/02/98	98-9/67
	20968	R315-305	5YR	04/02/98	98-9/68
	20969	R315-306	5YR	04/02/98	98-9/69
<u>SPACE UTILIZATION</u>					
Administrative Services, Facilities Construction and Management	20709	R23-11	5YR	01/28/98	98-4/131
<u>SPECIAL FUEL</u>					
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
<u>STATEHOOD</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
<u>STATE OFFICE BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129
<u>STATE PLANNING</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>STUDENT COMPETENCY</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
<u>STUDENT FINANCIAL AID</u>					
Education, Administration	20670	R277-718	5YR	01/14/98	98-3/95
<u>STUDENTS</u>					
Education, Administration	20667	R277-709	5YR	01/14/98	98-3/94
<u>SUBSTANCE ABUSE COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20273	R156-60d	AMD	01/15/98	97-24/16
<u>SURVEYORS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>SYSTEMS</u>					
Public Safety, Fire Marshal	20277	R710-7	AMD	01/15/98	97-24/108
<u>TARIFFS</u>					
Public Service Commission, Administration	20972	R746-405	5YR	04/03/98	98-9/72
<u>TAXATION</u>					
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
Tax Commission, Motor Vehicle Enforcement	20393	R877-23V-17	AMD	02/24/98	98-1/113
Tax Commission, Property Tax	20177	R884-24P-7	AMD	01/06/98	97-22/75
	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
	20204	R884-24P-59	AMD	02/24/98	97-23/96
<u>TAX CREDITS</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>TEACHER CERTIFICATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20781	R277-514	R&R	04/07/98	98-5/13
	20658	R277-518	5YR	01/14/98	98-3/90
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>TEACHERS</u>					
Education, Administration	20899	R277-508	5YR	03/13/98	98-7/73
<u>TELECOMMUNICATIONS</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20592	R746-356-2	NSC	01/06/98	Not Printed
	20956	R746-360	EMR	03/31/98	98-8/59
<u>TELEPHONE</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>THERAPISTS</u>					
Commerce, Occupational and Professional Licensing	20581	R156-60b	AMD	02/18/98	98-2/18
<u>TOLL CALLING</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>TOWING</u>					
Transportation, Motor Carrier	20271	R909-4-11	AMD	02/27/98	97-24/112
<u>TRAFFIC CONTROL</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>TRAFFIC SAFETY</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>TRAFFIC SIGNS</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	20276	R909-1	AMD	01/15/98	97-24/111
<u>TRUCKS</u>					
Transportation, Motor Carrier	20276	R909-1	AMD	01/15/98	97-24/111
	20271	R909-4-11	AMD	02/27/98	97-24/112
<u>TRUSTS</u>					
Workforce Services, Employment Development	20726	R986-305	EMR	02/12/98	98-4/123
	20747	R986-305	5YR	02/06/98	98-5/72
	20770	R986-305	AMD	04/01/98	98-5/55
<u>UMAP</u>					
Workforce Services, Employment Development	20751	R986-309	5YR	02/06/98	98-5/74
	20732	R986-309-901	EMR	02/12/98	98-5/62
<u>UNITS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
<u>UNIVERSAL SERVICE</u>					
Public Service Commission, Administration	20956	R746-360	EMR	03/31/98	98-8/59
<u>UTILITY REGULATION</u>					
Public Service Commission, Administration	20972	R746-405	5YR	04/03/98	98-9/72
<u>VICTIMS OF CRIMES</u>					
Pardons (Board of), Administration	20433	R671-203	AMD	02/18/98	98-1/75
<u>VOCATIONAL EDUCATION</u>					
Education, Administration	20658	R277-518	5YR	01/14/98	98-3/90
Education, Applied Technology Education (Board for), Rehabilitation	20905	R280-200	5YR	03/13/98	98-7/76
<u>WAGES</u>					
Human Services, Recovery Services	20723	R527-300	AMD	03/18/98	98-4/77

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>WARRANTS</u>					
Pardons (Board of), Administration	20473	R671-501	AMD	02/18/98	98-1/93
<u>WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
Environmental Quality, Solid and Hazardous Waste	20965	R315-301	5YR	04/02/98	98-9/65
	19876	R315-301-2	AMD	see CPR	97-19/23
	19876	R315-301-2	CPR	01/05/98	97-23/111
	20966	R315-302	5YR	04/02/98	98-9/66
	20967	R315-303	5YR	04/02/98	98-9/67
	20968	R315-305	5YR	04/02/98	98-9/68
	20969	R315-306	5YR	04/02/98	98-9/69
<u>WATER</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
	20964	R746-332	5YR	04/02/98	98-9/70
<u>WATER CONSERVATION</u>					
Natural Resources, Water Resources	20694	R653-4	AMD	03/18/98	98-4/88
<u>WATER DEVELOPMENT</u>					
Natural Resources, Water Resources	20717	R653-8	NEW	03/23/98	98-4/89
<u>WATER FUNDING</u>					
Natural Resources, Water Resources	20722	R653-2	AMD	03/18/98	98-4/85
<u>WATER POLICY</u>					
Natural Resources, Water Resources	20694	R653-4	AMD	03/18/98	98-4/88
	20593	R653-5	AMD	02/18/98	98-2/60
	20717	R653-8	NEW	03/23/98	98-4/89
<u>WATER QUALITY</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
<u>WATERSHED MANAGEMENT</u>					
Environmental Quality, Drinking Water	20294	R309-110	REP	03/01/98	97-24/56
<u>WATER TREATMENT</u>					
Environmental Quality, Drinking Water	20291	R309-107	REP	03/01/98	97-24/33
	20292	R309-108	REP	03/01/98	97-24/37
	20293	R309-109	REP	03/01/98	97-24/47
<u>WEATHER MODIFICATION</u>					
Natural Resources, Water Resources	20593	R653-5	AMD	02/18/98	98-2/60
<u>WELFARE</u>					
Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	20241	R657-3	AMD	01/15/98	97-24/95
	20928	R657-10	EMR	03/19/98	98-8/57
	20929	R657-33	EMR	03/19/98	98-8/58

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20938	R657-33	5YR	03/24/98	98-8/65
	20243	R657-37	AMD	01/15/98	97-24/104
	20244	R657-38	AMD	01/15/98	97-24/105
	20700	R657-43	AMD	03/18/98	98-4/90
<u>WIND POWER</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>YOUTH CORRECTIONS</u>					
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70
<u>ZONING</u>					
Administrative Services, Facilities Construction and Management	20707	R23-9	5YR	01/28/98	98-4/130